

TITLE VI APPLIED PRACTICE

Institutional Response, Policy Risk, and Climate Strategy

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ABOUT US

Vision

We exist to create safe and equitable work and educational environments.

Mission

To bring systemic change to how school districts and institutions of higher education address their Clery Act & Title IX obligations.

Core Values

- Responsive Partnership
- Innovation
- Accountability
- Transformation
- Integrity

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MEET YOUR FACILITATORS



Omar E. Torres, Ed. D

Dr. Omar Torres supports institutions in navigating complex civil rights, student conduct, and compliance matters, with expertise in Title VI response, policy implementation, investigations, and institutional risk management. He works with public and private institutions to strengthen compliance frameworks, evaluate policies and procedures, support institutional response efforts, and provide training on emerging civil rights issues affecting higher education.

A published scholar, educator, and former senior student affairs leader, Omar regularly facilitates trainings for higher education leaders and practitioners on Title VI, student conduct, campus climate, and institutional response to complex and highly visible incidents.



Pari Le Golchehreh, J.D

Pari Le Golchehreh is a distinguished professional with a wealth of expertise in Title VI, VII, and IX investigations. Pari has become a trusted authority in the field, renowned for her unwavering commitment to fairness and dedication to helping other practitioners navigate investigations efficiently and effectively.

Pari has navigated complex cases with precision and integrity, ensuring that all parties involved are heard and respected throughout the investigation process. She possesses a deep understanding of the regulatory frameworks and nuances surrounding discrimination and harassment issues in educational and workplace settings.

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AGENDA

- Foundations, Policy Compliance, and Response Risks
- Evaluating Institutional Policies for Compliance
- Formal Process Readiness
- Incident Triage Strategy
- Governance, Coordination, and Executive Risk Management

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FOUNDATIONS, POLICY COMPLIANCE, AND RESPONSE RISKS

Foundations of Applied Title VI Processes



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FOUNDATIONS OF APPLIED TITLE VI PROCESSES

Notice triggers obligations

Actual knowledge v. Informal awareness

Role of documentation

Why Title VI concerns frequently involve multiple offices / divisions

De-escalation failures lead to institutional risk

Importance of interim measures and access restoration

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GROUP DISCUSSION

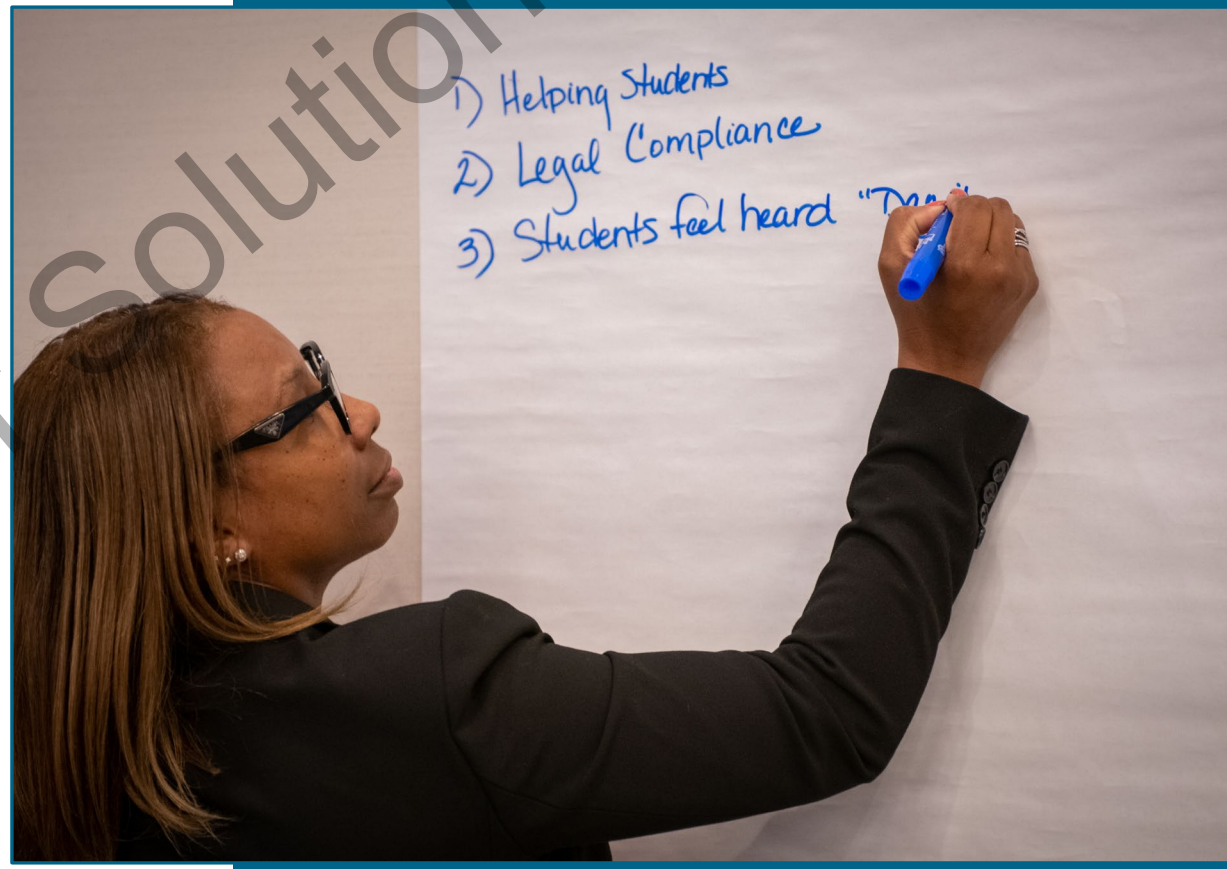
Where do institutions most often struggle once a complaint, report, protest incident, or bias concern is received?



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EVALUATING INSTITUTIONAL POLICIES FOR COMPLIANCE

Do your institution's policies meet OCR standards?



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TITLE VI DISPARATE TREATMENT RISKS

Institutions must evaluate whether policies adequately address:

Unequal sanctions

Selective enforcement risks

Differential access

Protest response inconsistency

Funding/ Resource disparities

Decision-maker discretion

Comparator analyses

Retaliation concerns

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ADDITIONAL CONSIDERATIONS

- Donor or political pressures
- Public controversy influences
- Reputational decision-making
- Identity-based programming review after SFFA v. Harvard
- Pipeline and affinity program design

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EVALUATING THESE RISKS UNDER NYS EDUCATION LAW 129A

Selective enforcement
NYS scrutiny increases where enforcement appears inconsistent across identity groups

Unequal sanctions
NYS may examine whether similarly situated individuals were treated differently

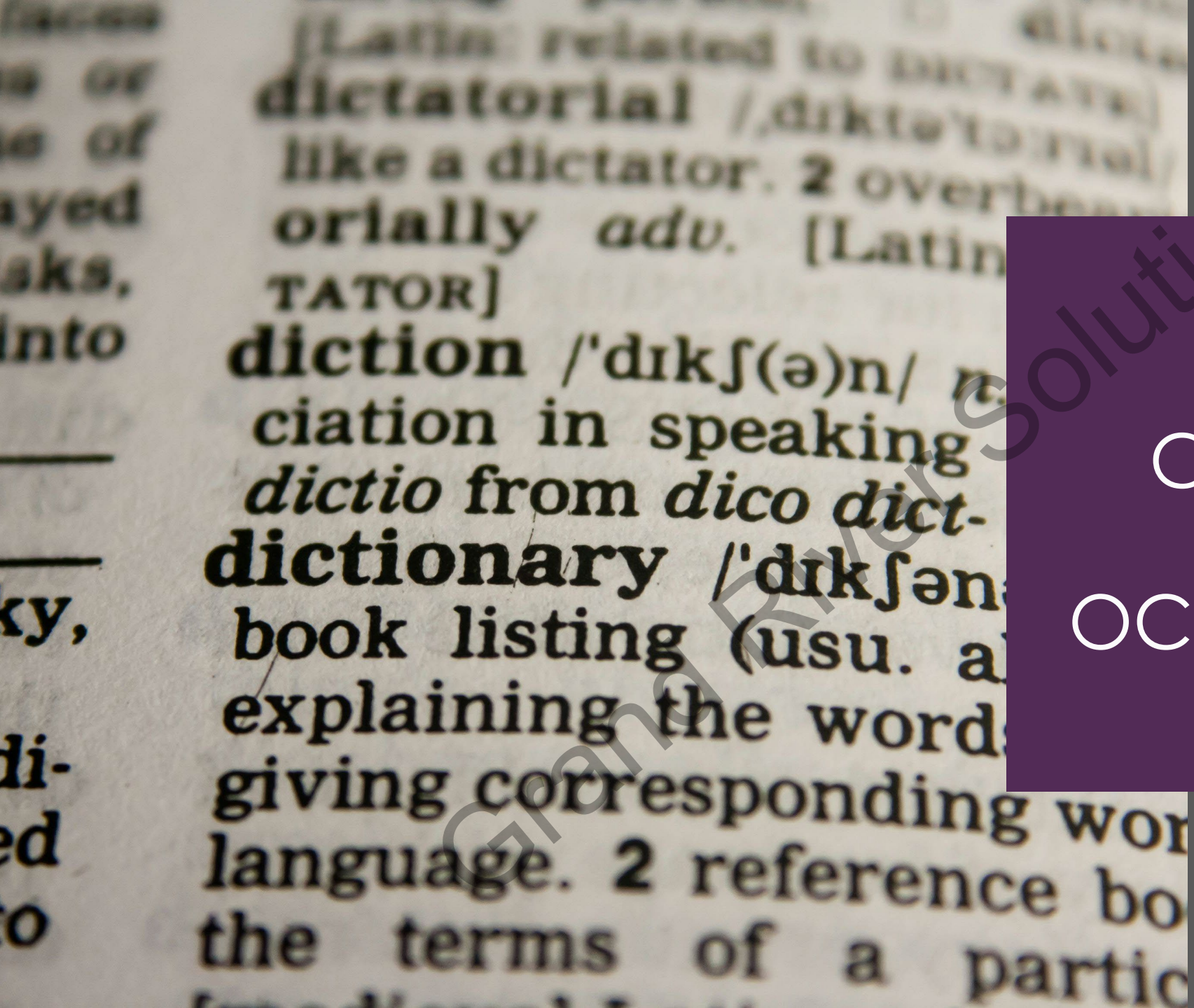
Differential access
NYS places strong emphasis on equal access to institutional opportunities

Funding/resource disparities
Identity-based decision making may face heightened scrutiny post SFFA v. Harvard

Protest response
NYS is especially attentive to protest-related enforcement and perceived institutional bias

Decision-making discretion
Lack of documentation leads to increased legal exposure under both federal and state review

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TITLE VI COMPLIANCE & OCR FRAMEWORK

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RACE, COLOR, AND NATIONAL ORIGIN

OCR guidance is that institutions can view religion as a subset of national origin IF:

- *Citizenship/Residency in a country with a dominant religion*

OR

- *Harassment on the basis of an actual or perceived shared ancestry*

Israeli students

Palestinian students

Sikh students

Muslim students

Arab students

Jewish students

South Asian students

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TITLE VI CLAIMS: OCR FRAMEWORK

Disparate Treatment	Discriminatory Harassment	Retaliation
Discrimination where similarly situated individuals are treated differently because of their race, color, or national origin	Unwelcome conduct based on race, color, or national origin that creates a hostile environment	Adverse action taken against an individual for participating in formal process or opposing discriminatory practices

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FACTORS FOR THE TOTALITY OF THE CIRCUMSTANCES IN DISCRIMINATORY HARASSMENT

Context

Nature

Scope

Frequency

Duration

Location

Impact

Number of Respondents

Academic / work relationships

Power dynamics

Effect on educational access

TIP: Severe and pervasive are NOT one in the same.

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FIRST AMENDMENT

Protected Speech	Unprotected Speech	Academic Freedom
Congress shall make no law . . . abridging the freedom of speech	True threats; Incitement to imminent lawless action; Fighting words; Obscenity; libel & defamation.	• Freedom to discuss relevant matters in the classroom; • Explore avenues of scholarship, research, creative expression, and publication

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KEY INSTITUTIONAL PRINCIPLE

Free expression and academic freedom protections do not generally immunize discriminatory harassment or materially disruptive conduct.



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ARE THERE ANY FREE EXPRESSION OR ACADEMIC FREEDOM CONSIDERATIONS?

Is the speech protected?

Discipline may be limited, but the obligation to investigate remains

Is the conduct disruptive?

TPM restrictions may apply

Is there ongoing harm/access impacts?

An immediate supportive response may be necessary

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FREE EXPRESSION AND ACADEMIC FREEDOM

GROUP DISCUSSION

- Do institutions have avenues to address speech that is protected?
- Who determines whether it is free speech/academic freedom?
- Does the classroom context matter?
- Is a supportive response required even if discipline is constrained?

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FORMAL PROCESS CONSIDERATIONS AND READINESS

Notice Writing, Remedy options, and Strategy for addressing the climate



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FORMAL PROCESS READINESS

PROMPT RESPONSE CONSIDERATIONS

- Are reporting obligations clear?
- Is there a designated office?
- Can you act without a formal complaint?
- Are interim supports available?
- Do you have an identified Respondent?

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WHAT IS THE OFFICE?



- Equity / Civil Rights Office
- Committee
- Task Force
- Teams
- Co-Op

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DESIGNATED OFFICE: EXPECTATIONS



- Coordination or centralization
- Policy Updates and communicating obligations
- Documentation & Record keeping
- Training & Assessment
- Climate Assessments

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FORMAL PROCESS READINESS
EQUITABLE PROCESS

- Timeline for intake and resolution
- Notice protocols
- Parties' Rights (privacy, participation, etc.)
- Neutral process
- Objective/unbiased facilitators (Investigators and Decision-Makers)
- Consistent and Neutral Response (Remedies and sanctions)

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THE CRITICAL ROLE OF NOTICE WRITING

Notice Should Include:

- Allegation(s)
- Implicated policies
- Timeframe
- Respondent status
- Process steps
- Evidence preservation expectations
- Retaliation prohibition reminder
- Party rights and available supports

Common Errors

- vague allegations
- overbroad scope
- missing policy references
- pre-judgment language
- failure to update scope later

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Initial notices often shape fairness, scope, and mitigate risk.

DAY TWO:
TITLE VI APPLIED PRACTICES



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SESSION ONE:
BREAKOUT EXERCISE

MOCK NOTICE WRITING

Campus Quad Demonstration

- A student organization, Students for Justice Now (SJN), held a demonstration on the campus quad related to an international conflict.
- The event was not registered in advance.
- Approximately 100 students attended.
- Amplified sound was used during class hours.
- A small group remained on the quad into the evening.

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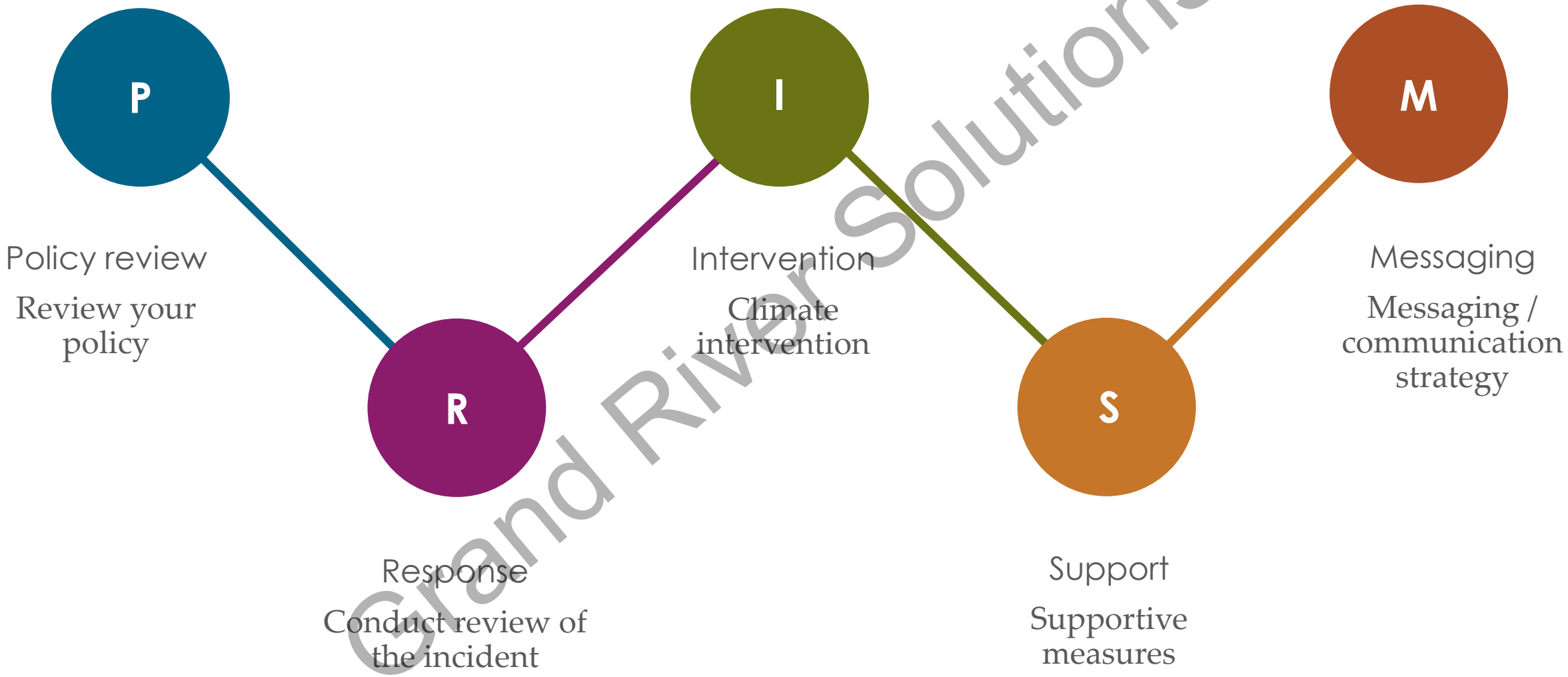
FORMAL PROCESS READINESS

Remedies & Restoration

- Sanctions
- Educational remedies
- No-Contact directives
- Access Restoration
- Communication plans
- Recurrence prevention
- Climate surveys

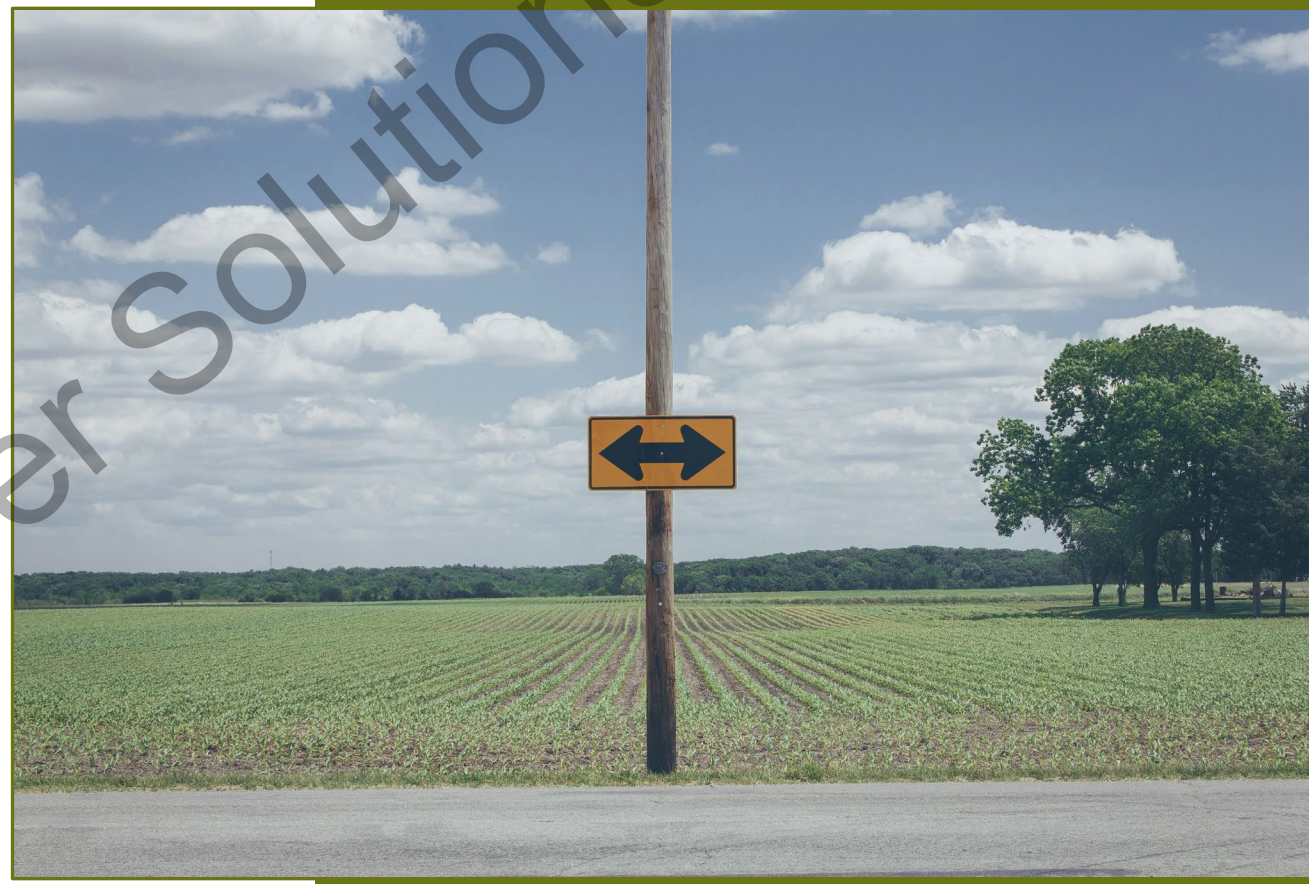
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RESPONSE: PRISM METHOD



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INCIDENT TRIAGE STRATEGY



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TRIAGE

What to consider and the steps to take



Reported Incident/Event

Equity Office (or Equivalent)

Parties & Behaviors/ conduct involved

Formal investigation

Alternative Resolution

Climate Intervention

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STEP ONE: INCIDENT/EVENT

Was the incident/event reported?

IF YES Go to step two

IF NO

Consider climate intervention

- Anonymous graffiti
- Generalized fear or tension
- Repeated symbolic conduct



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STEP TWO:
EQUITY OFFICE
(OR EQUIVALENT)

Identify campus partners for response efforts or sanctioning (after determination)

Involved Community	Partner
Student	Student Conduct
Faculty/staff	Academic Affairs/HR
Student Organization	Student Conduct
Visitor / unknown party	Campus Safety

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STEP THREE:
TYPE OF CONDUCT

Conduct	Definition
Discriminatory harassment	Unwelcome conduct based on race, color, or national origin that creates a hostile environment.
Disparate treatment	Discrimination where similarly situated individuals are treated differently because of their race, color, or national origin.
Retaliation	Adverse action taken against an individual for participating in formal process or opposing discriminatory practices.

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STEP FOUR: FORMAL INVESTIGATION

Considerations:

- Single investigator/Decision-Maker
- Independent Decision-Maker
- Hearing

*If you are not investigating **OR** there is the potential for an active and continuing harm against the community, you may still respond to address climate concerns*

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STEP FIVE

Alternative Resolution Options



Discussions with those involved / Educational



Facilitate a dialogue between parties



Mediate mutual agreements / Targeted Education

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STEP SIX: CLIMATE INTERVENTION

Anonymous bias incident

Repeated symbolic conduct

Widespread fear

Intergroup tensions

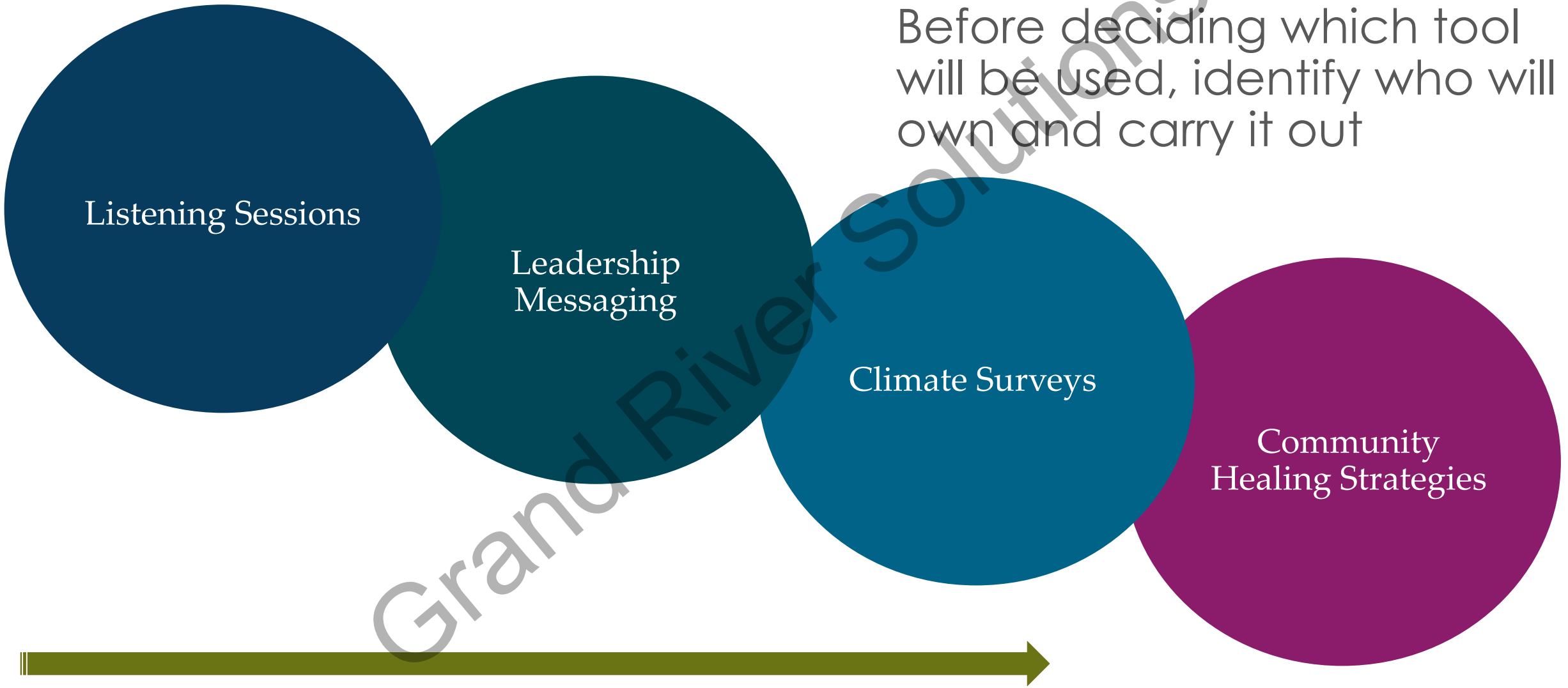
Unidentified/non-specific Respondent

National/ International traumatic event

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CLIMATE INTERVENTION TOOLS

Before deciding which tool will be used, identify who will own and carry it out



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FORMAL PROCESS AND CLIMATE INTERVENTION

WHEN BOTH ARE APPROPRIATE

Student misconduct that causes community-wide harm

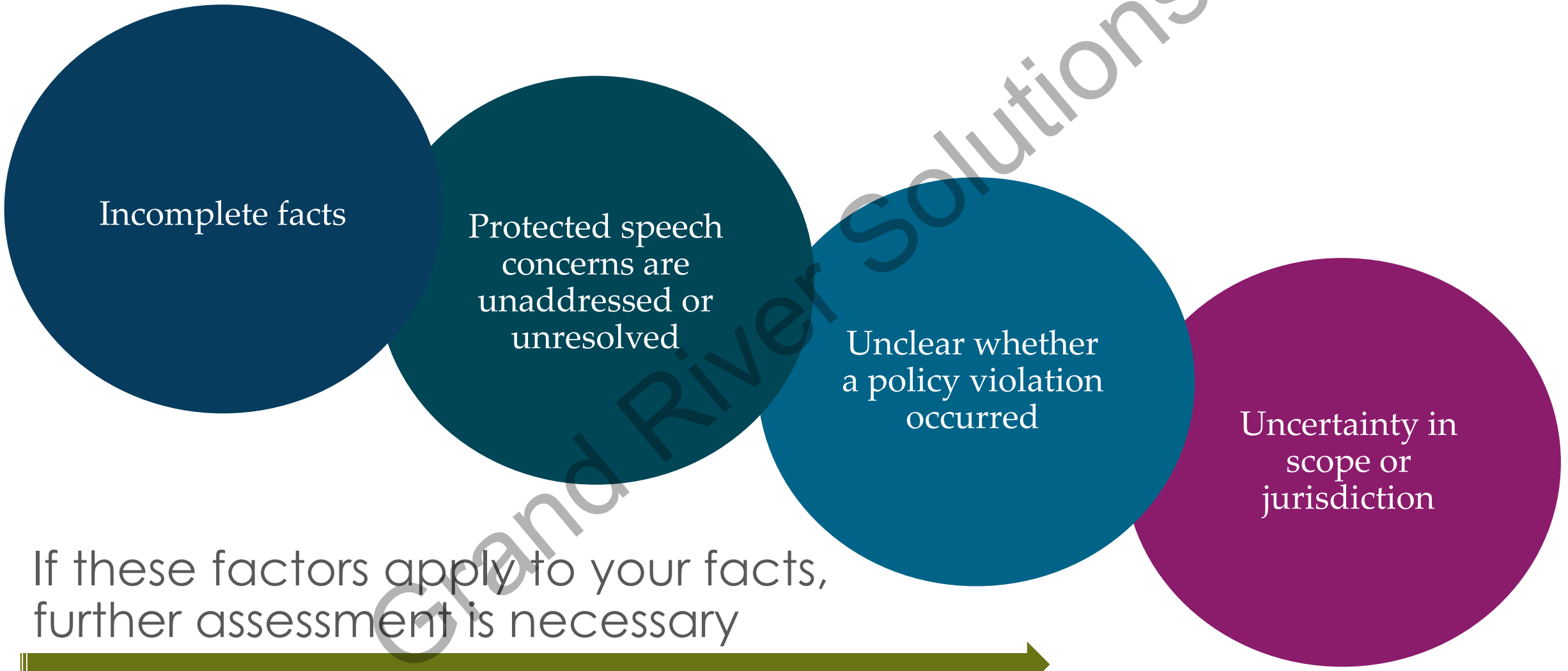
Faculty conduct resulting in an HR review and campus repair efforts

Protests requiring disciplinary action and community response efforts

Online incident requiring accountability and supportive measures

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FURTHER ASSESSMENT



If these factors apply to your facts, further assessment is necessary

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GOVERNANCE, COORDINATION, AND EXECUTIVE RISK MANAGEMENT

Setting rules and structure, aligning teams, and managing risks at the leadership level



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CAMPUS COORDINATION

The Equity Office (or equivalent) should manage the coordinated efforts and collaboration with these other campus units/divisions

- Student Affairs
- Human Resources
- Academic Affairs
- General Counsel
- Campus Safety
- Communications
- Executive Leadership

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MITIGATING RISKS



Policy audit questions

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SESSION TWO:
BREAKOUT EXERCISE

Policy Audit Lab

Review the sample policy and identify:

- Compliance strengths
- Definitional gaps
- Reporting barriers
- Enforcement inconsistencies
- Speech/Conflict tension points
- Missing cross-references among policies

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BREAKOUT DISCUSSION

- Is policy language neutral but vulnerable in application?
- Does the policy constrain arbitrary enforcement?
- Is documentation required when discretion is exercised?
- Are similarly situated groups treated consistently?

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CLOSING REFLECTIONS

Identify two immediate improvements for their campus.

Examples:

Revise harassment definitions

Create intake template

Improve office coordination

Modernize protest response framework

Formalize climate response processes

Improve notice writing

Train decentralized leaders

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