

# HIGHER EDUCATION

## INFORMATION MEMO

JULY 10, 2024

### Another Title VI Agreement and Another Insight Into OCR's Enforcement Agenda

On July 8, 2024, the U.S. Department of Education's Office for Civil Rights (OCR) [announced](#) that it had reached a [resolution agreement](#) with Brown University. This action followed an investigation concluding that Brown University had failed to comply with Title VI of the Civil Rights Act of 1964 regarding 75 reported antisemitic and Islamophobic incidents between October 2023 and March 2024 despite the University's "notable proactive steps to support a nondiscriminatory campus environment, including updating its relevant policies and procedures in February 2024."

#### *Title VI Requirements and OCR Findings*

Title VI mandates that institutions receiving federal funding must protect students from discrimination based on race, national origin or shared ancestry. Colleges and Universities are required to take measures to end, eliminate and prevent discrimination and harassment upon receiving reports. Recently, OCR has asserted that compliance with Title VI requires a more vigorous and methodical approach and many institutions previously employed.

In an outcome [letter](#) accompanying the resolution agreement, OCR expressed concerns highlighting what it described as the University's inadequate response to some discriminatory incidents. Specifically, OCR concluded that offices involved in handling complaints had inconsistent responses and that some responsive processes were terminated if a reporting party did not reply to an initial outreach email. OCR found that this was inconsistent with the University's obligation to assess whether a hostile environment exists independently of a complainant's continued involvement.

Furthermore, despite commending Brown's efforts, OCR criticized the revised policies and procedures for their lack of clarity in addressing and resolving antisemitic or other ancestry-based discrimination. OCR also questioned whether the University had reassessed Fall 2023 reports of antisemitism and other shared ancestry discrimination predating the policy revisions to determine whether further actions were required to comply with Title VI.

#### *Resolution Agreement and Action Items*

The University and OCR agreed on a Resolution Agreement outlining five "Action Items":

Policy Revisions: The University must further revise its policies and procedures to enhance and ensure consistency in responses to discrimination allegations and clearly communicate these responses to students and faculty.

Annual Training: Brown will conduct annual nondiscrimination training for all employees and students. This training will include a specific section addressing discrimination and harassment based on national origin, with concrete examples.

Detailed Recordkeeping: The University is required to maintain detailed records of all complaints alleging discrimination, including harassment based on national origin.

Review: The University will conduct a review of its response to complaints and reports of antisemitic and other shared ancestry discrimination during the 2023–2024 and 2024–2025 academic years and take remedial actions if required.

Climate Assessment and Action: Brown will analyze the results of any Title VI assessments conducted and, by the end of the Fall 2024 semester, identify and implement actions to improve the overall campus climate.

Readers who have been following OCR's recent Title VI enforcement actions will find all of these requirements familiar and all institutions should consider implementing similar measures in order to reduce risk and bolster Title VI compliance.

### *Conclusion*

The resolution with Brown University is the fourth such agreement OCR has reached regarding allegations of shared ancestry violations of Title VI since the onset of the Israel-Hamas conflict. Similar complaints have led to OCR resolutions with City University of New York, University of Michigan, and Lafayette College. These agreements, alongside recent OCR guidance—including a [Dear Colleague Letter](#) and [Fact Sheet](#)—underscore OCR's amplified commitment to enforcing Title VI compliance.

Educational institutions should take note of the detailed requirements outlined in these settlements, including robust complaint response, comprehensive training, meticulous recordkeeping and proactive climate assessments.

For any questions on how this information may affect your institution, please contact [Seth Gilbertson](#), any attorney in Bond's [higher education practice](#) or the Bond attorney with whom you regularly work.

*\*Special thanks to Summer Law Clerk Grant Haffenden for his assistance in the preparation of this memo.*

