TITLE VI OF THE CIVIL RIGHTS ACT
EDUCATION AND 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.

- Hillsborough Community College has a legal and moral obligation to abide by this requirement.
Hillsborough Community College is an equal access/equal opportunity employer that makes employment and education-related decisions without regard to race, color, gender, religion, national origin, age, disability, sexual orientation, marital status or any other bias that is or may be prohibited by law. In addition, the college does not discriminate in employment practices or in the admission and treatment of students. HCC is committed to equitable treatment for all students and employees and to a learning and working environment free of discrimination and harassment for current as well as future students and employees. The college provides equal educational opportunities for qualified individuals with disabilities and complies with, as well as supports the Americans with Disabilities Act.
In the education arena, Title VI’s protection applies to all elementary and secondary schools, colleges and universities—public or private—that receive federal financial assistance, and to certain other institutions. Its protection extends to all aspects of these institutions’ programs and activities.
EDUCATION AND TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

- Title VI prohibits denial of access to college- and career-preparatory courses and programs and other educational opportunities, discriminatory discipline, harassment, and barriers to education for English learners.
STATEMENT BY THE DEPARTMENT OF EDUCATION

• “The existence of racial incidents and harassment on the basis of race, color or national origin against students is disturbing and of major concern to the Department. Racial harassment denies students the right to an education free of discrimination.”
  • Racial Incidents and Harassment Against Students
    • Federal Register/Vol. 59, No. 47/Thursday, March 10, 1994/Notice
TITLE VI – RACIALLY BASED CONDUCT

- Racially based conduct that has such an effect and consists of different treatment of students on the basis of race by the college’s agents or employees acting within the scope of their official duties, violates Title VI.
A violation of Title VI may also be found if a \textit{racially hostile environment} has been created i.e., harassing conduct (e.g., physical, verbal, graphic or written) that is sufficiently \textit{severe, pervasive} or \textit{persistent}.
• Additionally a violation may occur if a college representative has effectively caused, encouraged, accepted, tolerated or failed to correct a racially hostile environment of which it has actual or constructive notice. (For example, an employee of the college who witnesses or receives a report of harassment but does not act on it.)
SEVERE, PERSISTENT OR PERVERSIVE

- In some cases, a racially hostile environment may result from a single incident that is sufficiently severe, such as injury or conduct that threatens injury to persons or property.

- Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
SEVERE, PERSISTENT OR PERVASIVE

- Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.
The policy of Hillsborough Community College is to ensure equal opportunity or treatment, regardless of race, color, religion, sex, sexual orientation, age, disability, marital status or national origin. Any employee, student, or applicant for employment or admission who believes that they have been unfairly discriminated against, may initiate a formal complaint against the individual alleged to be guilty of the discrimination.

The following procedural steps must be followed:
1. A student or applicant for admission should report any incident or alleged discrimination to the Dean of Students or to the Office of Equity.

2. A student or employee who experiences discrimination from a supervisor or any employee, and is not comfortable reporting to a Dean or an immediate supervisor should contact the Assistant to the President for the Office of Equity.

3. An applicant for employment should report any incident or alleged discrimination to the Director of Human Resources or to the Office of Equity.
4. Upon receipt of a written or telephone complaint, the Assistant to the President will furnish the complainant with a copy of the Discrimination Complaint form. This form should be completed before the complaint process can begin. However, any written statement sufficiently precise to identify the parties concerned and the alleged discriminatory acts or practices, may be submitted, pending final completion of the form. This will open a record file. Incidents of alleged discrimination must be reported within ninety (90) days.
5. The Assistant to the President will advise the President, and the appropriate district-level Vice President or Campus President that a discrimination complaint has been filed and the facts associated with the case.

6. The Assistant to the President will review each allegation. If the complaint is covered by the HCC Education Equity Plan or any Federal or State law, rule or regulation, it will be processed in the following manner:
A. HCC will complete all official actions toward the final resolution of all complaints received directly by the College or referred by a civil rights enforcement agency, within forty-five (45) calendar days after receiving a discrimination complaint.

B. All allegations will be thoroughly investigated on behalf of the College by the Assistant to the President.

C. The Assistant to the President will discuss with the President, each allegation, the facts ascertained from the investigation, his/her conclusions and his/her recommendation for the College.
D. The Assistant to the President will prepare a written Fact Finding Report, that will address each allegation raised by the complainant. This written report will include his/her conclusions regarding each allegation and the surrounding facts. In addition, the report will include his/her recommendations for how the College should proceed in the matter.

E. When there is reasonable cause to believe there was discrimination, HCC will move to resolve the issues(s) by suggesting appropriate remedies. The remedies will be written and will be considered valid and final when signed by the President. The Assistant to the President will meet with the complainant to review the resolution to the complaint.
F. If HCC finds no validity in the allegation(s) or the complainant does not accept the suggested remedies, the complainant will be advised as to his/her rights to pursue the charge outside the College.

G. The Assistant to the President will maintain all documents regarding the allegations in a separate file from the employee’s personnel files.

H. All discrimination complaints must be filed within ninety (90) days of the alleged occurrence.
I. The Assistant to the President will date stamp any written complaint to establish the exact filing time for the record.

J. Retaliation against individuals who file complaints of discrimination is expressly prohibited by law and college policy.
TAKING ACTION

• If schools take concrete actions, Title VI becomes a guide to ensuring that schools do the right thing and need not fear legal actions.

• For example, when a LGBT student at the University of Michigan was slurred, the University official directing the school’s office serving lesbian, gay, bisexual, and transgender people immediately issued a campus-wide letter and a University Regent publicly stated, "when one member of our campus community is targeted because of his or her identity, we are all attacked".

“Schools should not fear Title VI protections for students”
Spero News - By Sheldon L. Freilich, May 27, 2012
• **Dr. Joan B. Holmes**  
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TITLE VI RESOURCES

- HCC Office of Equity and Diversity website 
  http://www.hccfl.edu/gwsc/equity--diversity-office.aspx
- Education and Title VI – Office for Civil Rights 
  http://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html
- Overview of the Title VI Civil Rights Act of 1964 
  http://www.justice.gov/crt/about/cor/coord/titlevi.php
- Title VI Enforcement Highlights – OCR-DOE 