



INVESTIGATIONS: TITLE VI TITLE VII HAZING



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Welcome



Agenda

- Title VI – Definitions and Investigations
- Title VII – Definitions and Investigations
- Hazing – Definition and Investigations





TITLE VI



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.”

42 U.S.C. § 2000d

Process Questions

- OCR interprets Title VI to mean the following type of harassment creates a hostile environment
 - unwelcome conduct based on race, color, or national origin that,
 - based on the totality of circumstances,
 - is subjectively and objectively offensive and
 - is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from a school's education program or activity.
- Need not be targeted at a particular person to create a hostile environment for a student or group of students, or for other protected individuals.
- Once on notice, actual or constructive, institution **MUST** take steps that are reasonably calculated to end any hostile environment and prevent its recurrence.

Title VI and Free Speech

- 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, however, 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.
- If students engage in offensive speech about members of a particular ethnic group and that speech contributes to a hostile environment within an education program about which the institution knows, or should know, the institution has a legal obligation to address that hostile environment for students in school.
- The institution may, however, be constrained or limited in how it responds if speech is involved.

Programs and Activities

- Admissions
- Recruitment
- Financial Aid
- Academic Programs
- Student Treatment and Services
- Counseling and Guidance
- Discipline
- Classroom Assignment
- Grading
- Vocational Education
- Recreation
- Physical Education
- Athletics
- Housing
- Employment

What is “race” discrimination?

- Race discrimination involves treating someone unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features).
- Can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race.
- Can occur when the victim and the person who inflicted the discrimination are the same race.

What is “color” discrimination?

- Color discrimination involves treating someone unfavorably because of skin color complexion.
- Can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain color.
- Can occur when the victim and the person who inflicted the discrimination are the same color.

What is “national origin” discrimination?

- Discrimination based on the country, world region, or place where a person or his or her ancestors come from;
- A person’s limited English proficiency or English learner status;
- A person’s actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics;
 - Ex: Hindu, Jewish, Muslim, and Sikh individuals

Shared Ancestry Investigations

- Antisemitism is a major focus of the Administration.
- Over 120 institutions currently being investigated by the Department of Education's Office for Civil Rights (OCR).
- Conducting an internal investigation prior to the complaint getting to OCR is beneficial for the institution.

<https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/race-color-and-national-origin-discrimination-key-issues/list-of-open-title-vi-shared-ancestry>



TITLE VII





Title VII

- Prohibits employment discrimination based on race, color, religion, sex, and national origin.
- Covers all aspects of employment Enforced by the Equal Employment Opportunity Commission (EEOC)



Prohibited Conduct

- Prohibits retaliation
 - For filing a discrimination complaint
 - For participating in an investigation or lawsuit
- Reasonable accommodation
 - Requires reasonable accommodation for religious practices, unless it causes undue hardship



ANATOMY OF A TITLE VI AND TITLE VII INVESTIGATION



General Investigative Process

- Parties must have sufficient notice to prepare and meaningfully participate
- Investigator has an independent duty to collect relevant inculpatory and exculpatory evidence
- Parties have an equal opportunity to present their statements, evidence, and to identify witnesses
- Parties have equal opportunity to review and comment on evidence developed
- Investigation is evidence-gathering and fact-finding

General Investigative Process

- Equitable treatment of Complainants and Respondents
- No stereotypes based on a party's status as Complainant or Respondent
- No determination Respondent did or did not violate policy until conclusion of required procedures
- Conflict and bias-free institutional participants

Process Questions

- Determine whether allegations call for formal investigatory response or informal response
- Redirect, as needed, to other offices or conduct processes
- Document that complaint filed

Differences between Title IX and Title VI and VII

- No “Formal Complaint” required
- Institution may not have a hearing; may be single investigators model
- Title VII typically handled through Human Resources
- Law/regulations do not require access to evidence phase

HAZING



Student Organization Defined

Clery Act – Statistics	Clery Act – Transparency Report	Max Gruver Act
organization at an institution of higher education	organization at an institution of higher education	“School organization”
club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government	club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government	any association, corporation, order, club, society, fraternity, sorority, athletic team
two or more of the members are students enrolled at the institution of higher education	two or more of the members are students enrolled at the institution of higher education	or a group living together which has students or alumni as its principal members, including local affiliate organizations
whether or not the organization is established or recognized by the institution	are established or recognized by the institution	N/A



Hazing Defined

**Stop Campus
Hazing Act**

First Prong – Student Organization

Not just pledging

- In the course of:
 - an initiation into
 - an affiliation with, or
 - the maintenance of
 - membership in a student organization



Hazing Defined

Stop Campus Hazing Act

Second Prong – Any Act

Consent is NOT a defense

- Any intentional, knowing, or reckless act
- Committed by a person... or in concert with other persons
- Against another person or persons
- Regardless of the willingness of such other person or persons to participate



Hazing Defined

Stop Campus Hazing Act

Third Prong – Unreasonable Risk

Risk above the reasonable risk encountered in the course of participation in:

- the institution of higher education or
- the organization of physical or psychological injury



Hazing Defined

Georgia Code

Ga. Code Ann. § 16-5-61

“Haze” or “hazing” means to subject a student to an activity which endangers or is likely to endanger the physical health of a student or coerces the student through the use of social or physical pressure to consume any food, liquid, alcohol, drug, or other substance which subjects the student to a likely risk of vomiting, intoxication, or unconsciousness *regardless of a student’s willingness to participate in such activity.*

Hazing - Physical Injuries

Causing, coercing, or otherwise inducing:

- sleep deprivation
- exposure to the elements
- confinement in a small space
- extreme calisthenics
- or other similar activity

Causing, coercing, or otherwise inducing another person to:

- consume food, liquid, alcohol, drugs, or other substances
- perform sexual acts

Hazing - Psychological Injuries

Impacting academic or daily life

Causing, coercing, or otherwise inducing:

- Post-Traumatic Stress Disorder (PTSD)
- Depression
- Anxiety
- Sleep Disorders
- Cognitive Impairments

Campus Hazing Transparency Report

December 23, 2025 *(First report not required until there is a “hazing violation”)*

- Designed to integrate with state law requirements
- Prominent location on the public website & link to hazing policy, statistics, ASR
- Updated 2 times per year
- GA law also requires:
 - Hazing related convictions
 - Updated within 15 calendar days of final adjudication or public notice of criminal conviction

Hazing Investigations

- Must have a written process
- Who will be conducting the investigation?
- Transparency in final determination

Hazing Investigations

- Equitable treatment of Complainants and Respondents
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Differences between Title IX, Title VI, and Title VII and Hazing

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RESOURCES



Resources

[Stop Campus Hazing Act](#)

<https://www.congress.gov/bill/118th-congress/house-bill/5646>

<https://safecampuses.biz> > Clery Act > Stop Campus Hazing Act

[Max Gruver Act](#)

[C:\pdf\202145.wpd](#)

[Title VI](#)

[Civil Rights Division | Title VI of the Civil Rights Act of 1964](#)

Title VII

[Title VII of the Civil Rights Act of 1964 | U.S. Equal Employment Opportunity Commission](#)





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