

FEDERAL LAW:

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.”

Programs that receive Federal funds cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality or timeliness of program services, aids or benefits that they provide or the manner in which they provide them. This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin. Policies and practices that have such an effect must be eliminated unless a recipient can show that they were necessary to achieve a legitimate nondiscriminatory objective.

Persons with limited English proficiency must be afforded a meaningful opportunity to participate in programs that receive Federal funds. Policies and practices may not deny or have the effect of denying persons with limited English proficiency equal access to federally funded programs for which such persons qualify.

This includes discrimination based on a person’s limited English proficiency or English learner status; and actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (such as Hindu, Jewish, Muslim, and Sikh individuals).

TITLE IX

Discrimination on the basis of sex is prohibited by *Title IX of the Education Amendments of 1972*.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Gender Discrimination

Gender Discrimination is defined as the following by Title IX:

- Discrimination or harassment based upon one's gender (sex)
- Unfair treatment, attitudes, or behaviors towards an individual based upon their gender (sex)
- Gender identity discrimination as covered by Title VII
- Sexism, sexist attitudes, and sex stereotyping
- Unproportionate athletic programs or activities offered to all genders in relationship to the college's enrollment

Examples

- gender-based bullying
- derogatory or sexist remarks
- gender discrimination in an activity, athletics, program, office, or classroom

Sexual Harassment

Sexual Harassment is defined as the following by Title IX:

- Unwanted sexual behavior, advances, or requests for favors
- Unwelcomed verbal, visual, or physical sexual conduct
- Offensive, severe, and/or frequent remarks about a person's sex
- Harassment of a sexual nature which interferes with an individual's right to an education and participation in a program or activity

Examples

- stalking or obscene phone calls, texts, emails, or gestures
- sexually suggestive jokes, whistles, catcalls, or innuendos
- inappropriate touching
- intimidation

Sex Violence

Sex Violence is defined as the following by Title IX:

- Sexual abuse or assault, battery, or coercion
- Unwanted sexual contact that stops short of rape or completed rape
- Use of force or manipulation of unwanted sexual activity
- Physical acts where a person is incapable of giving consent or is against a person's will

Examples

- sexual assault, battery, or coercion
- attempted or completed rape
- inappropriate touching
- physical and/or aggressive sexual advances

Retaliation

Retaliation is defined as the following by Title IX:

- A strike back in response to another's action or accusation
- a form of revenge or reaction because of a filed complaint against a person
- refusal to promote, advance, or accurately support/qualify a person due to a complaint filed

Examples

- demotion or prohibiting advancement due to a filed complaint
- firing, loss of benefits, or the like due to a filed complaint
- unfair treatment or discrimination due to a filed complaint

Hostile Environment

Hostile Environment is defined as the following by Title IX:

- A situation of discriminatory or sexual nature that has occurred and created an adverse setting
- An intimidating or offensive environment that causes a person to be fearful
- A setting that denies, limits, or interferes with a person's ability to participate in or benefit from a program, activity, or job

Examples

- Bullying, abusive or intimidating comments and actions
- Intimidating or offensive comments that alter the conditions of a person's work, classroom, team, or program environment
- Continual offensive comments or surroundings of a discriminatory or sexual nature

This includes discrimination based on pregnancy, parental status, and sex stereotypes (such as treating persons differently because they do not conform to sex-role expectations or because they are attracted to or are in relationships with persons of the same sex).

Discrimination on the Basis of Disability

Discrimination against persons with disabilities is prohibited by *Section 504 of the Rehabilitation Act of 1973* and *Title II of the Americans with Disabilities Act of 1990*. Title II prohibits discrimination on the basis of disability by public entities, whether or not they receive federal financial assistance. This includes discrimination against individuals currently without an impairment that substantially limits of a major life activity, but who have a record of or are regarded as having a disability.

Rights and Responsibilities under Section 504 and the ADA

Section 504 and the ADA protect qualified individuals with disabilities from discrimination on the basis of disability in the provision of benefits and services. See the [Facts Sheet - PDF](#) and the [Regulations](#) for an explanation of who is a qualified individual with a disability and more detailed information about rights and responsibilities.

Covered entities must not, on the basis of disability:

- Exclude a person with a disability from a program or activity;
- Deny a person with a disability the benefits of a program or activity;
- Afford a person with a disability an opportunity to participate in or benefit from a benefit or service that is not equal to what is afforded others;
- Provide a benefit or service to a person with a disability that is not as effective as what is provided others;
- Provide different or separate benefits or services to a person with a disability unless necessary to provide benefits or services that are as effective as what is provided others;
- Apply eligibility criteria that tend to screen out persons with disabilities unless necessary for the provision of the service, program or activity.

Covered entities must:

- Provide services and programs in the most integrated setting appropriate to the needs of the qualified individual with a disability
- Ensure that programs, services, activities, and facilities are accessible
- Make reasonable modifications in their policies, practices, and procedures to avoid discrimination on the basis of disability, unless it would result in a fundamental alteration of the program
- Provide auxiliary aids to persons with disabilities, at no additional cost, where necessary to afford an equal opportunity to participate in or benefit from a program or activity
- Designate a responsible employee to coordinate their efforts to comply with Section 504 and the ADA
- Adopt grievance procedures to handle complaints of disability discrimination in their programs and activities
- Provide notice that indicates:
 - That the covered entity does not discriminate on the basis of disability
 - How to contact the employee who coordinates the covered entity's efforts to comply with the law
 - Information about the grievance procedures

Age Discrimination Act of 1975

Discrimination on the basis of age is prohibited.