PROTECTED CLASS DISCRIMINATION REFRESHER

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About Us

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Understanding Title VII
Title VII Prohibits Employment Discrimination based on:

- Race
- National Origin
- Religion
- Veteran Status
- Sexual Orientation
- Color
- Sex
- Age
- Gender Identity
- Mental or Physical Disability
- Pregnancy
- Immigration Status

Who is covered by Title VII of the Civil Rights Act?

- Private & public sector employers w/15 or more workers
- State and local governmental agencies
- Employment agencies
- Apprenticeship programs

Not Covered: Federal employees or independent contractors. However, federal employees are protected against discrimination by other federal anti-discrimination laws.
What individuals are Protected from Discrimination Under Title VII?

- Applicants
- Employees
- Former Employees

Title VII Case:

Bostock v. Clayton County - Gender identity included under Title VII. Whether the policy was violated depended entirely on sex of the employee. It is this reliance on sex in the employer's decision-making that raises issues under Title VII.
Understanding Discrimination Under Title VI

"Title VI of the 1964 Civil Rights Act says, "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance." 42 U.S.C. §2000d"
What Activities are Protected Under Title VI?

Programs and activities that receive education funds must operate in a non-discriminatory manner which include:
- admissions
- recruitment
- financial aid
- academic programs
- student treatment and services
- counseling and guidance
- vocational education

Protected Activities Continued

- discipline
- classroom assignment
- grading
- recreation
- physical education
- athletics
- housing
EXAMPLES OF TITLE VI CASES

Colorado School District filed a claim alleging discrimination due to National Origin for failing to provide adequate language services to all English Learner students.


Understanding Discrimination Under Title IX

"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."
What Does Title IX Cover?

- Sexual Harassment
- Equity in Programming (Including Athletics)
- Pregnancy Discrimination

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Disability Discrimination

504
ADA
Title II

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The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination solely on the basis of disability in employment, public services, and accommodations. The person must otherwise be qualified for the program, service or job.

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Discrimination Based on Disability

Section 504
Section 504 of the Rehabilitation Act of 1973 prohibits any school district receiving federal financial assistance from discriminating against disabled children.

Title II
Title II of the Americans with Disabilities Act of 1990 expands these protections and prohibits all school districts, whether they receive federal funding or not, from discriminating against disabled children.

ACCOMMODATIONS
The ADA requires the provision of reasonable effective accommodations for eligible faculty, staff, students, and visitors across an institution's programs, activities, and services.

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The ADA defines a person with a disability as a person who has a physical or mental impairment that substantially limits one or more major life activity.

- Walking
- Talking
- Thinking
- Speaking
- Breathing
- Hearing

Accommodations

One aim of the ADA was to make educational institutions more accessible for the disabled. This aim covers "reasonable accommodations" such as the following:

- Modification of application and testing
- Allowing students to tape-record or videotape lectures and classes
- Modification of class schedules
- Extra time allotted between classes
- Notetakers
- Interpreters
- Readers
- Specialized computer equipment
- Special education
Accommodations

The accommodation also includes physical changes to an educational institution's buildings, including the following:

- Installing accessible doorknobs and hardware
- Installing grab bars in bathrooms
- Increasing maneuverability in bathrooms for wheelchairs
- Creating handicapped parking spaces
- Installing accessible water fountains
- Installing ramps

INTERACTIVE PROCESS UNDER ADA

REPORT OF A DISABILITY THAT IMPACTS ABILITY TO PERFORM JOB

IS REQUEST REASONABLE?

IMPLEMENT ACCOMMODATION, IF REASONABLE

MEETING WITH HR TO CONDUCT INITIAL ASSESSMENT

NEED FOR BRAINSTORMING ALTERNATIVE ACCOMMODATIONS

CONTINUE INTERACTIVE PROCESS UNTIL EXHAUSTED OPTIONS

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Title IX/Title VII Sexual Harassment

- Severe - can be non-verbal through sexual assault (touching/fondling)
- Pervasive - how often and how widespread
- Objectively Offensive - behavior that would be offensive to a reasonable person under the circumstances
Professor is denied tenure due to pregnancy leave. She files a claim for pregnancy and gender discrimination.

**Title IX**
- Pregnancy discrimination in hiring.
- Gender discrimination.
- May want to investigate disparate impact/hiring practices.
- Federal Funding is at risk.
- Can file lawsuit immediately.

**Title VII**
- Equal Pay, Pregnancy discrimination.
- Gender discrimination.
- Evaluate individual claim.
- Compensatory damages.
- Must exhaust administrative remedies.

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**When Worlds Collide & a Report Is Made**

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QUESTIONS?

DEI*ICS
DIVERSITY, EQUITY & INCLUSION
INSTITUTIONAL COMPLIANCE SOLUTIONS

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How Can We Help?

Community Access

Tailored Training
Responsible Employee,
Student Title IX Training,
EEO Training

Ongoing Support

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Coming this summer! More...
"Compliance at Your Fingertips!"

- Back to the Basics: Title VII Refresher
- Disability & Accommodations 101
- Investigating Reports of Title VII Violations
- Top 10 Common DEI Mistakes
- Building Blocks for a Successful DEI Program

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