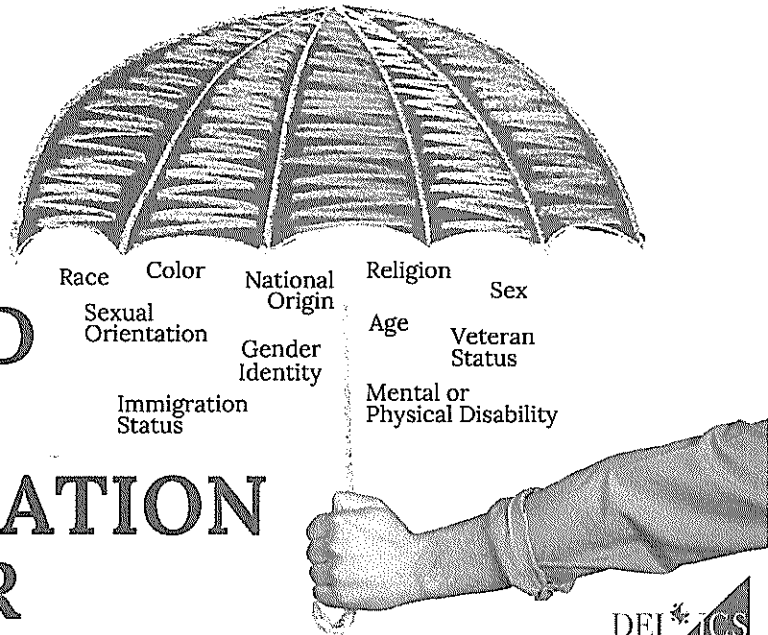


# PROTECTED CLASS DISCRIMINATION REFRESHER



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## About Us

### Celeste Bradley

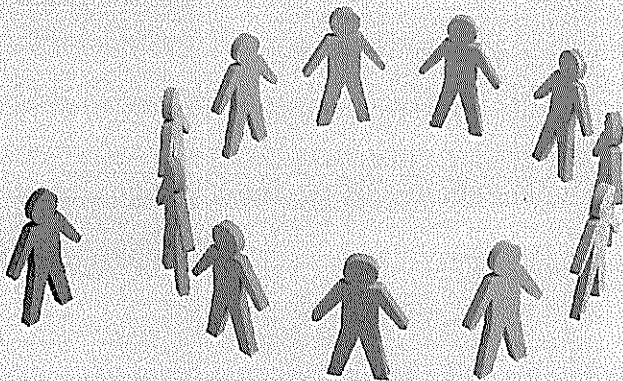
HR and DEI Consultant  
Employment Attorney



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# Title VII Prohibits Employment Discrimination based on:



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- 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?

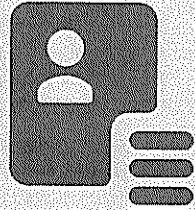
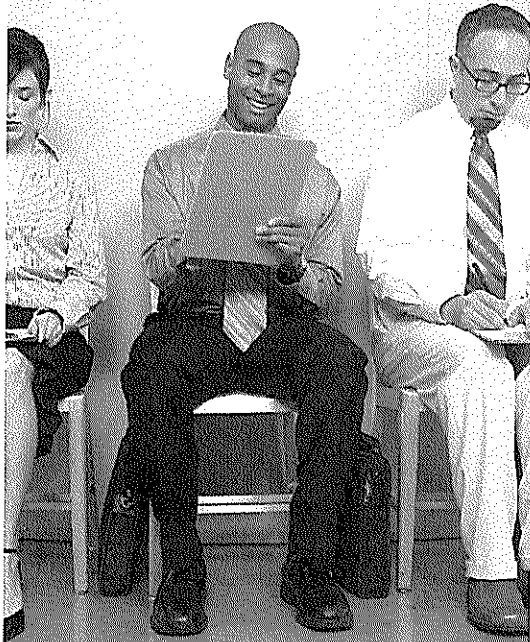
Not Covered: Federal employees or independent contractors.  
However, federal employees are protected against discrimination by other federal anti-discrimination laws.

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

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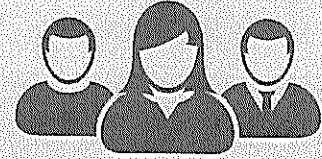
# What individuals are Protected from Discrimination Under Title VII?



Applicants



Former Employees



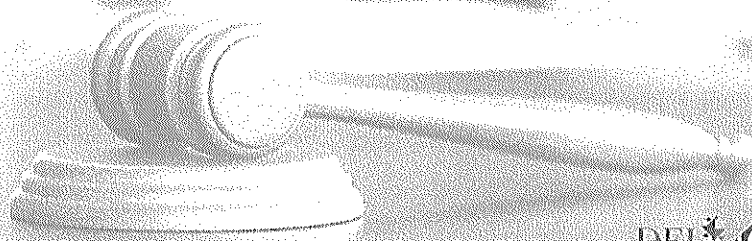
Employees

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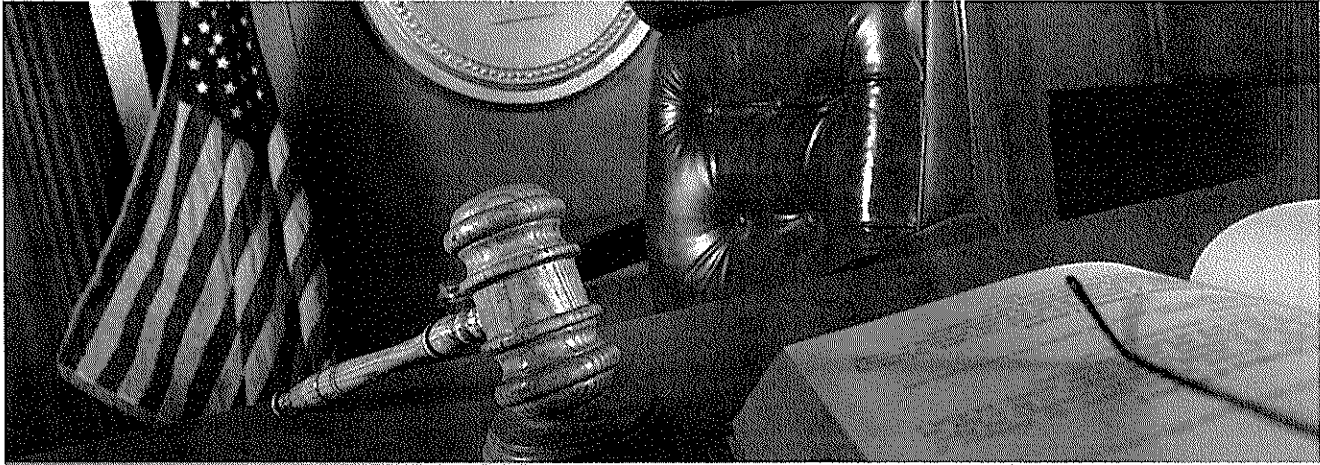
## Title VII Case:

*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.



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# Understanding Title VI

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## 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

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# UNIVERSITY APPLICATION

## 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

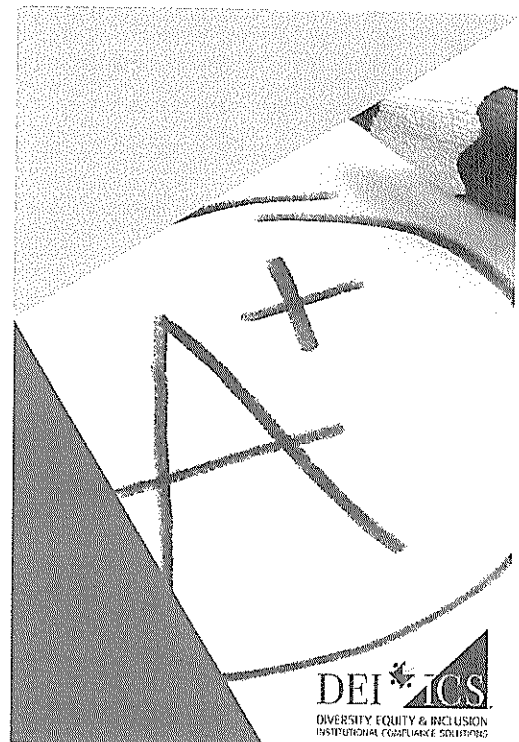
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## Protected Activities Continued

- discipline
- classroom assignment
- grading
- recreation
- physical education
- athletics
- housing

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# 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



T.B. et al. v. Independent School District 112 - six current and former African-American students of a suburban Minnesota school district and their parents alleged pervasive race discrimination.

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## 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.



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# What Does Title IX Cover?

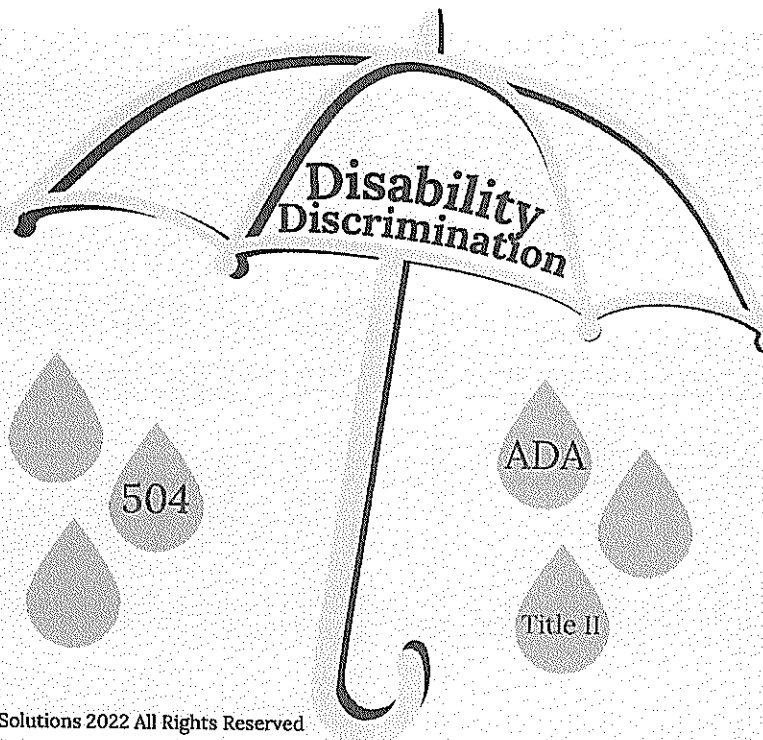
SEXUAL HARASSMENT

EQUITY IN PROGRAMMING  
(INCLUDING ATHLETICS)

PREGNANCY  
DISCRIMINATION

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INSTITUTIONAL COMPLIANCE SOLUTIONS



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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



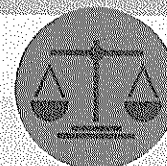
### Section 504

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

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## 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

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# 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

## Undue Hardship?

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# INTERACTIVE PROCESS UNDER ADA

REPORT OF A DISABILITY THAT IMPACTS ABILITY TO PERFORM JOB



MEETING WITH HR TO CONDUCT INITIAL ASSESSMENT

IS REQUEST REASONABLE?



NEED FOR BRAINSTORMING ALTERNATIVE ACCOMMODATIONS

IMPLEMENT ACCOMMODATION, IF REASONABLE



CONTINUE INTERACTIVE PROCESS UNTIL EXHAUSTED OPTIONS

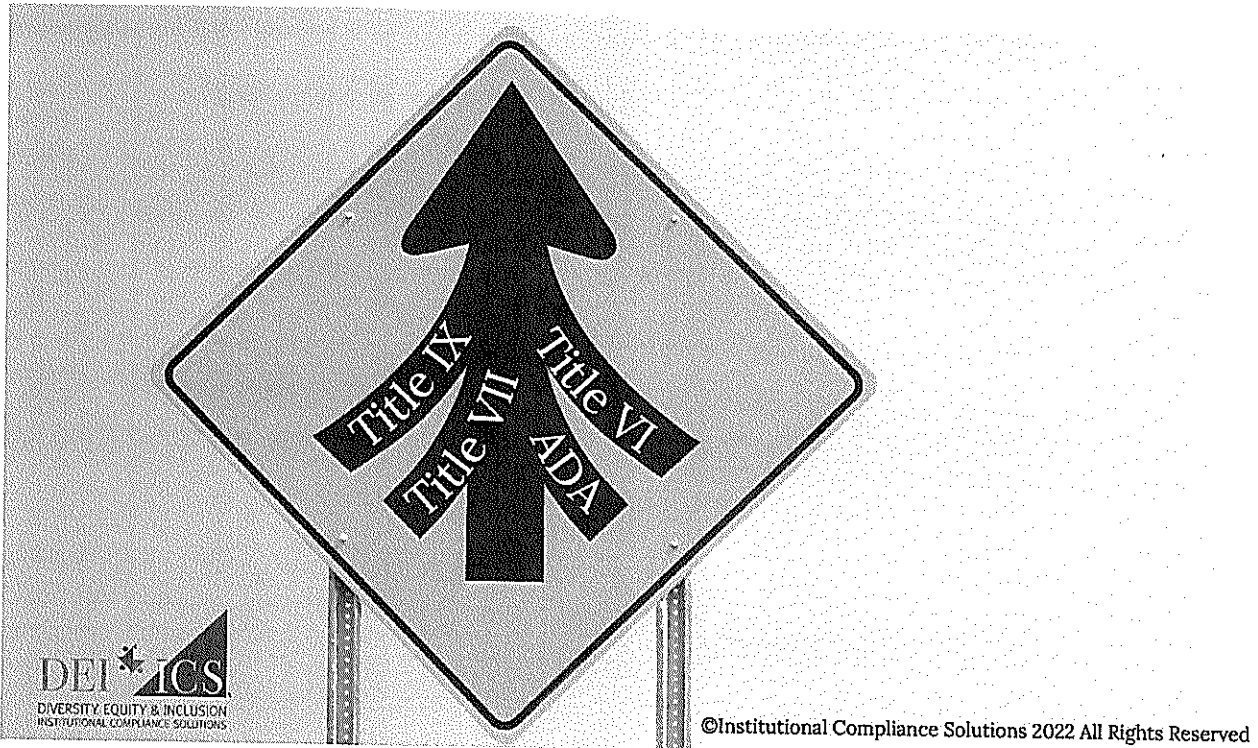


**DOCUMENT!! DOCUMENT!! DOCUMENT!!**

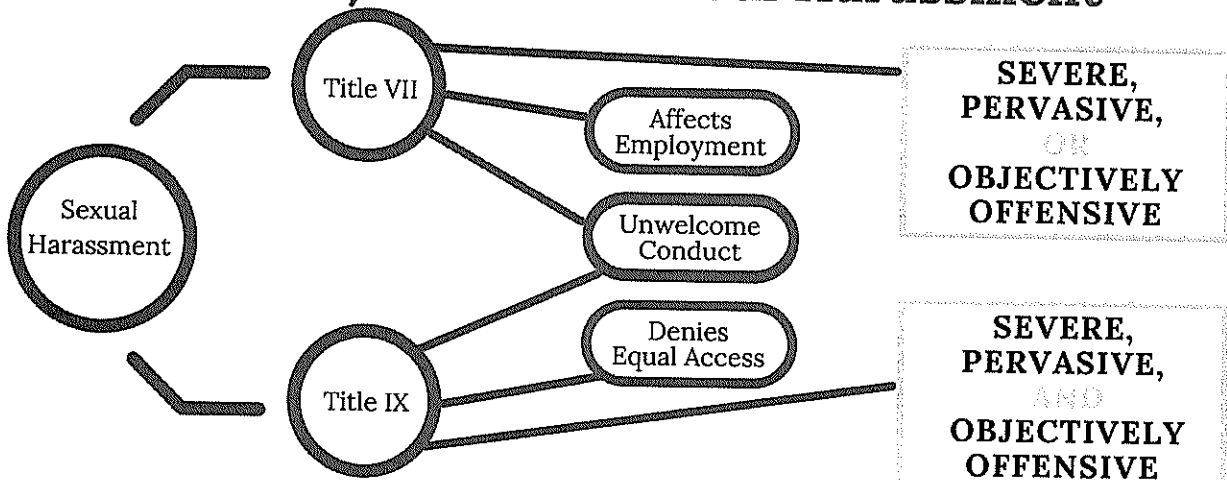


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## Title IX/Title VII Sexual Harassment



- 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

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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 law suit  
immediately.

## Title VII

Equal Pay.  
Pregnancy discrimination.  
Gender discrimination.

Evaluate individual claim.

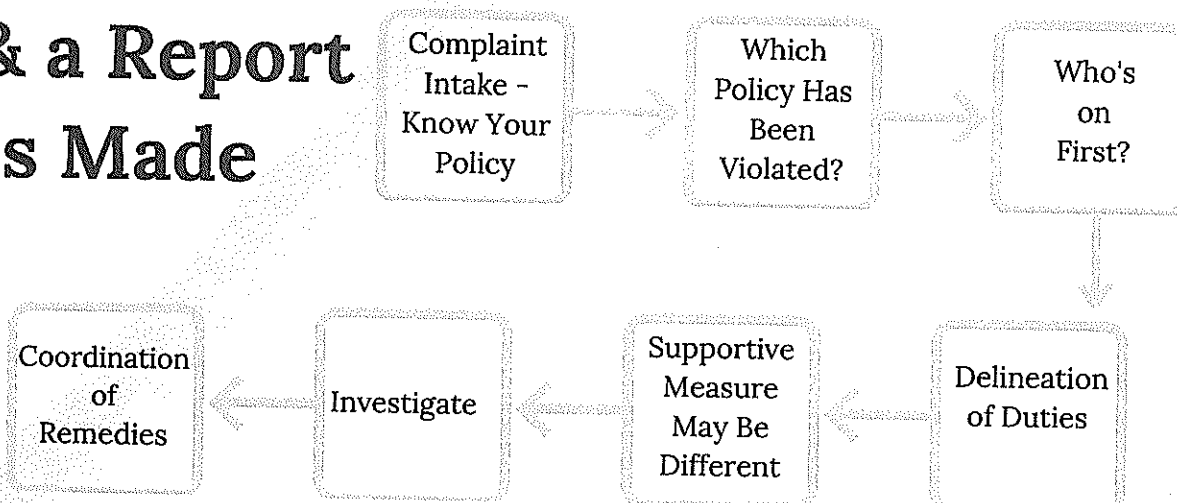
Compensatory damages.

Must exhaust  
administrative remedies.



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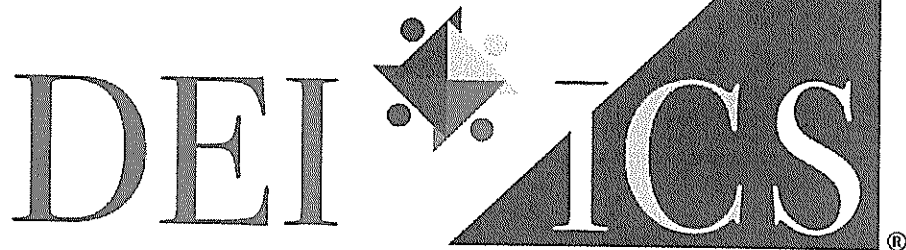
## When Worlds Collide & a Report Is Made



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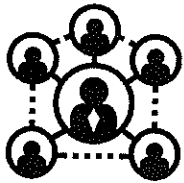
# QUESTIONS?



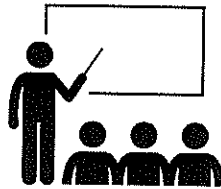
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## How Can We Help?



**Community  
Access**



**Tailored  
Training**

Responsible Employee,  
Student Title IX Training,  
EEO Training








**Ongoing  
Support**

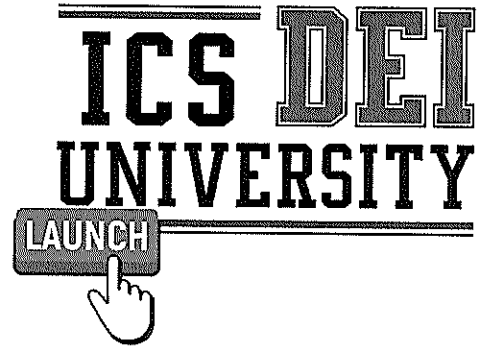
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Coming this summer!  
More...

"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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