



## Fact Sheet: Diversity & Inclusion Activities Under Title VI

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The Department of Education's (Department's) Office for Civil Rights (OCR) provides this fact sheet to assist school communities, including students, parents, families, educators, and elementary, secondary, and postsecondary educational institutions, in understanding that diversity, equity, and inclusion training and similar activities in most factual circumstances *are* consistent with Title VI of the Civil Rights Act of 1964 (Title VI).<sup>1</sup> Title VI prohibits discrimination based on race, color, or national origin in the programs or activities of all recipients of Federal financial assistance.<sup>2</sup> OCR enforces Title VI with respect to recipients of Federal financial assistance from the Department, including States, school districts, public schools, and public and private colleges.

A school or college violates Title VI if it intentionally treats persons differently or otherwise causes them harm *because of* their race, or if a school or college creates or is responsible for a racially hostile environment.<sup>3</sup> A hostile environment exists where there is conduct (e.g., physical, verbal, graphic, or written) that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a school or college.<sup>4</sup> Racial harassment of students is one form of conduct that could result in an unlawful hostile environment, which the school or college is obligated to address.

Activities intended, in whole or in part, to further objectives such as diversity, equity, accessibility, and inclusion are not generally or categorically prohibited under Title VI. Congress has found that it is in the best interest of the United States to support public schools “that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students’ education.”<sup>5</sup> Recently, President Biden has stated that “diversity, equity, inclusion, and accessibility benefit the Nation” and that “our diversity is one of our country’s greatest strengths.”<sup>6</sup>

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<sup>1</sup> 42 U.S.C. § 2000d. Other than statutory and regulatory requirements explained in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public, beyond what is required by statutory and regulatory requirements. This document is intended only to provide clarity to the public regarding existing requirements under the law. *See also* 20 U.S.C. §§ 1232a, 1221(d).

<sup>2</sup> Throughout this fact sheet, “race” or “racial” includes race, color, or national origin; and “school or college” is used generally to refer to elementary, secondary, and postsecondary educational institutions that are recipients of Federal financial assistance.

<sup>3</sup> *See* U.S. Dep’t of Education, Office for Civil Rights, [Racial Incidents and Harassment Against Students at Educational Institutions](#), 59 Fed. Reg. 11,448, 11,449 (Mar. 10, 1994); *see also* *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655, 666 (2d Cir. 2012) (“Educational benefits include an academic environment free from racial hostility.”); *T.E. v. Pine Bush Cent. Sch. Dist.*, 58 F. Supp. 3d 332, 356 (S.D.N.Y. 2014) (same).

<sup>4</sup> *Id.*

<sup>5</sup> 20 U.S.C. § 7231(a)(4)(A) (“It is in the best interest of the United States ... to continue the Federal government’s support of ... local educational agencies that are voluntarily seeking to foster meaningful interaction among students of different racial and ethnic backgrounds, beginning at the earliest stage of such students’ education.”); *see id.* § 7231(b) and (b)(3) (describing the purpose of the Magnet Schools Assistance Program as “to assist in the desegregation of schools” by providing Federal funds for “the development, design, and expansion of innovative educational methods and practices that promote diversity”).

<sup>6</sup> E.O. 14035, *Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*, 86 Fed. Reg. 34,593, 34,593-94 (June 25, 2021) (“This order establishes that diversity, equity, inclusion, and accessibility are priorities for my Administration and benefit the entire Federal Government and the Nation ...”); E.O. 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, 86 Fed. Reg. 7009 (Jan. 20, 2021) (“Equal opportunity is the bedrock of American democracy, and our diversity is one of our country’s greatest strengths.”).

Determining whether an activity or program of a school or college – including diversity, equity, and inclusion efforts – results in prohibited Title VI discrimination requires assessing the totality of the circumstances in each particular case.

Title VI does not, for example, categorically prohibit activities such as:

- diversity, equity, and inclusion training;
- instruction in or training on the impact of racism or systemic racism;
- cultural competency training or other nondiscrimination trainings;
- efforts to assess or improve school climate, including through creation of student, staff, and/or parent teams, use of community focus groups, or use of climate surveys;
- student assemblies or programs focused on antiharassment or antibullying;
- investigations of, and issuance of reports concerning the causes of, racial disparities within a school; or
- use of specific words in school policies, programs, or activities, such as equity, discrimination, inclusion, diversity, systemic racism, or similar terms.

Nor do these activities categorically create a hostile environment on the basis of race. To the contrary, in agreeing to resolve OCR investigations into whether they have violated Title VI, schools and colleges have implemented diversity, equity, and inclusion activities, including those outlined above, to remedy potential different treatment of students, provide remedial measures to address harassing conduct, assist in remedying other forms of discrimination on the basis of race, and foster a more positive and inclusive school climate.<sup>7</sup>

OCR is responsible for the enforcement of, and the provision of technical assistance regarding, Title VI as to recipients, including public schools and public and private colleges, and will continue to vigorously carry out its mission with regard to all Federal civil rights laws within its jurisdiction. To contact OCR for technical assistance, call 1-800-421-3481 (TDD: 1-800-877-8339) or email [OCR@ed.gov](mailto:OCR@ed.gov).

The Department also funds regional Equity Assistance Centers, which provide technical assistance and training at the request of school boards and other related governmental agencies on issues such as racial harassment, prejudice reduction, and other issues occasioned by desegregation.<sup>8</sup> Contact information for each of the regional Equity Assistance Centers is available at <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/training-and-advisory-services-equity-assistance-centers/equity-assistance-centers-training-and-advisory-services-contacts/>.

To request language access services or resources, which may include oral technical assistance or written translation of Department information, free of charge, contact [OCR@ed.gov](mailto:OCR@ed.gov). If you need more information about interpretation or translation services, call 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-437-0833). To request documents in alternate formats such as Braille or large print, contact the Department at 202-260-0852 or [om\\_eeos@ed.gov](mailto:om_eeos@ed.gov).

<sup>7</sup> See also U.S. Dep't of Education, Office of Planning, Evaluation, and Policy Development, *Advancing Diversity and Inclusion in Higher Education: Key Data Highlights Focusing on Race and Ethnicity and Promising Practices*, 41 (2016) (“Students report less discrimination and bias at institutions where they perceive a stronger institutional commitment to diversity.”)

<sup>8</sup> See 34 CFR part 270; <https://oese.ed.gov/offices/office-of-formula-grants/program-and-grantee-support-services/training-and-advisory-services-equity-assistance-centers/>.