



The Difference Between Titles IX, VII , VI and IV

Statutes:

This Melissa Talks will cover the differences between various federal laws with similar names. We will discuss the things these laws have in common and how they differ. Some of these laws are specific to higher education and some simply include higher education among broader application laws. One key concept of discrimination laws is that the protections are environment-centered, therefore discrimination can exist and may not be unlawful- discrimination is considered unlawful when it effectively denies an individual access to an environment that they would otherwise be able to access but for the discriminatory conduct.

1) Title IX of the Education Amendments of 1972 is a federal law that provides:

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.” 20 U.S.C. § 1681
Recent regulatory updates include:

- What constitutes “actual knowledge” of a Title IX matter, including which individuals on campus meet the criteria to be considered “Officials With Authority” and “Mandatory Reporters”;
- Definition and jurisdiction clarifications, especially regarding sexual harassment;
- And, procedural requirements including increased due process requirements.

On June 25, 2022, the Department of Education published a proposed new Title IX rule. This proposed rule includes specific protections for trans and LGBTQ+ individuals in addition to other procedural update proposals.

See Melissa Talks for July 15, 2021: <https://district.maricopa.edu/sites/default/files/documents/Clery-Title%20IX.pdf>

One of the important shifts of the 2020 Title IX regulation is that it expanded Title IX protections to include all members of the campus community- including employees. This means that any time an allegation of sexual misconduct arises, it is processed initially by the Title IX Coordinator at a respective institution. The current rules require dismissal if the conduct does not meet the Title IX definitions of sexual harassment, but provide for the transition of these matters to other policies, such as employee or student codes of conduct.

2) Title VII of the Civil Rights Act of 1964 is one section (title) of monumental civil rights legislation. Title VII focuses on the employment environment. Title VII states:

It shall be an unlawful employment practice for an employer –

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or

2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.” 42 U.S.C. § 2000e–2(a)

In terms of how Title VII applies within the District, this is one protection that applies only to employees. As mentioned - sexual misconduct matters will primarily be addressed under Title IX, but if the conduct does not meet the definition of Title IX sexual harassment, it will still merit consideration under Title VII. And in matters of discrimination on protected classifications other than sex, Title VII is the primary applicable statute. As per the [A.R. 5.1.1 et. seq., Maricopa County](#)

[Community College District \(Maricopa EEO Policy\)](#), when an employee of the District believes they have been the target of Discrimination, they can direct their complaint to their local Human Resources, their supervisor, the [District Ombudsperson](#), or the [District Equal Employment Officer](#). The District EEO Officer will be notified of this complaint and will process this complaint. Note that if a student employee's employment is contingent on their status as a student, they are considered a student when determining which policy applies to their situation.

3) Title VI of the Civil Rights Act of 1964 is a federal law that addresses access to educational environments that receive federal funding and provides:

“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.”

This statute is analogous to Title VII above in that it covers all members of the campus community, including students. When a student believes they are the target of unlawful discrimination, they may use the [Discrimination Complaint Procedure for Students](#), which is the District procedure that allows for addressing discrimination claims based on any of the protected classes listed in Title VI. This procedure is also applicable to any claims based on protected classes that arise under Title IV, below, or under any of the classes listed in the [District Nondiscrimination policy](#), which includes religion, sexual orientation/gender identity, and other classes. This procedure is currently being updated. These updates will allow for more efficient processing of complaints regarding disability accommodations; harmonization with our other policy grievance procedures, and other helpful changes.

4) Title IV of the Higher Education Act (HEA) authorizes programs that provide financial assistance to students to assist them in obtaining a post-secondary education at certain institutions of higher education.

The regulations pertaining to Title IV funding are designed to ensure that a school provides quality instruction and can help students secure a good job after graduation. The Higher Education Act of 1965 authorizes a broad array of federal student aid programs that assist students and their families with financing the cost of a postsecondary education, as well as programs that provide federal support to postsecondary institutions of higher education (IHEs). Programs authorized by the HEA provide support for higher education in several ways, including providing support to students in financing a postsecondary education, with additional support and services given to less-advantaged students; providing support to students pursuing international education and certain graduate and professional degrees; and providing support to IHEs in improving their capacity and ability to offer postsecondary education programs.

The Department of Education (ED) administers the programs authorized by the HEA. Compliance with the regulations is vital because audit findings and other examples of non-compliance could mean that the ability to offer federal financial aid can be stripped from a school.

The Civil Rights Division, Educational Opportunities Section enforces several federal civil rights laws which prohibit discrimination on the basis of race, color, national origin, language, sex, religion, and disability in schools and institutions of higher education.

The Department of Education, which includes the Office of Civil Rights, administers Title IX, Title IV, Title VI, and other federal laws pertaining to education. Some of the related agencies under the Department of Education are:

- Office for Civil Rights, Department of Education
- Office of Postsecondary Education
- Office of Special Education and Rehabilitative Services
- Office of Career, Technical, and Adult Education
- Education Publications Center (EDPUBS)
- English Language Acquisition Office
- Office of Elementary and Secondary Education
- Institute of Education Sciences
- Commission on Presidential Scholars

- Federal Student Aid Information Center
- Literacy Information and Communication System

The Department of Justice:

Coordinates with other executive agencies on the enforcement of other nondiscrimination provisions of: Title VI, Title IX, and Section 504 not involving employment.



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