

LEGAL UPDATES

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Professional

HAYLEY E. HANSON
KANSAS CITY:
816.983.8377
HAYLEY.HANSON@
HUSCHBLACKWELL.COM

Retaliation in the Lecture Halls: Department of Education Clarifies Federal Prohibition

Last week, the Department of Education’s Office of Civil Rights (OCR) issued a “Dear Colleague Letter” in which it provided guidance on the subject of retaliation by school districts, postsecondary institutions and other entities who receive federal funding from the Department of Education. The OCR sought to clarify the federal prohibitions against retaliation in the educational context.

Specifically, the OCR emphasized that Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972 make it unlawful for a school or university to retaliate against any individual who complains of or opposes discrimination or participates in an OCR investigation or proceeding concerning discrimination. For example, if a student, parent, teacher or other individual raises concerns about potential civil rights violations, the school is prohibited from retaliating against that individual by way of intimidation, threats, coercion or in any other discriminatory fashion.

Considering this is the first time the OCR has issued guidance concerning retaliation, the OCR’s letter should serve as a warning to those institutions that violate these laws in the future. Noting there has been a significant number of retaliation complaints in recent years, the OCR stated it would “vigorously enforce” the federal prohibitions against retaliation. Moreover, the OCR cautioned that violators could be subject to enforcement action, including but not limited to administrative proceedings to suspend or terminate continued financial assistance or judicial proceedings.

A full text version of the OCR’s letter can be found here: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201304.html>

Contact Information

If you have questions, please contact your Husch Blackwell attorney or Hayley Hanson at 816.983.8377.

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