



**College and University Professional
Association for Human Resources**

March 19, 2025

Craig Trainor
Acting Assistant Secretary for Civil Rights
United States Department of Education
400 Maryland Ave SW
Washington, DC 20202

Dear Acting Assistant Secretary Trainor:

On behalf of the College and University Professional Association for Human Resources (CUPA-HR), I write in response to the Department of Education's (Department) February 14, 2025, Dear Colleague Letter (DCL) to request additional guidance on the overlap of compliance responsibilities for institutions under Title VI and Title VII of the Civil Rights Act of 1964. Specifically, we ask that the Department work with the Equal Employment Opportunity Commission (EEOC) to issue specific guidance on the intersection between employment discrimination obligations under Title VI and Title VII in an effort to minimize possible conflicts and redundancies.

CUPA-HR serves as the voice of human resources in higher education, representing more than 41,000 human resources professionals and other campus leaders at over 1,800 colleges and universities across the country. Higher education employs over 4 million workers nationwide, with colleges and universities in all 50 states.

As employers that receive federal financial assistance, institutions of higher education are obligated to comply with both Title VI and Title VII. Title VI prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance, while Title VII prohibits employment discrimination based on race, color, religion, sex, and national origin. As was reiterated in the DCL, the Department's Office for Civil Rights (OCR) oversees compliance and enforcement of Title VI for institutions. At the same time, the Equal Employment Opportunity Commission (EEOC) enforces Title VII for employment-based discrimination cases.

The DCL aims to "clarify and reaffirm the nondiscrimination obligations" of institutions receiving federal financial assistance from the Department, and it states that the letter "reiterates existing legal requirements under Title VI of the Civil Rights Act." In the DCL, the Department states that "Federal law (...) prohibits covered entities from using race in decisions pertaining to admissions, **hiring, promotion, compensation**, financial aid, scholarships, prizes, administrative

support, **discipline**, housing, graduation ceremonies, and all other aspects of student, academic, and campus life” (bold added for emphasis).

While we appreciate the subsequent FAQs document released by the Department to provide additional guidance on the DCL, our HR professionals on campus seek more assistance to navigate their overlapping obligations under Title VI and Title VII. Federal enforcement actions for discrimination in employment practices, such as hiring, promotion, compensation, and discipline, have generally fallen under Title VII, and, for the most part, the EEOC has had jurisdiction over such matters. HR professionals on campus are therefore very familiar with the procedures to address employment discrimination cases under Title VII and related compliance obligations. Enforcement actions for hiring, promotion, compensation, or discipline practices under Title VI, however, are far less common. As a result, our members may be less familiar with the Department’s procedures for handling discrimination cases involving employment matters, recommended compliance practices, and whether there are pertinent differences between Title VI and Title VII with respect to compliance obligations and liability.

To help avoid misunderstanding and confusion, we ask that OCR work with the EEOC to promulgate additional guidance on employer’s responsibilities under both laws. Such guidance will help institutions better understand their obligations and minimize conflicts, misunderstandings, and unnecessary litigation.

Thank you for considering our request. CUPA-HR members are committed to mitigating and appropriately resolving unlawful discrimination under Title VI and Title VII. Please do not hesitate to reach out with any questions or concerns with the issues raised in this letter.

Sincerely,



Joshua A. Ulman

Chief Government Relations Officer

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