



U.S. Department of Education Releases Fact Sheet on Diversity & Inclusion Activities Under Title VI

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The U.S. Department of Education recently released a fact sheet to assist school communities - including elementary, secondary, and postsecondary educational institutions - in understanding that diversity, equity, and inclusion trainings and similar activities in most factual circumstances are consistent with Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination based on race, color, or national origin in programs or activities that receive Federal financial assistance, such as school districts, public schools, and public and private colleges.

The fact sheet clarifies that Title VI does not categorically prohibit:

- 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.

The fact sheet can be found here: <https://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-tvi-dia-202301.pdf?bcs-agent-scanner=d0b6204e-bc8d-e240-9c1e-a3d9366cec06>

Please note this is a general overview of developments in the law and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient. If you have questions regarding this alert, please contact Jennifer McLaughlin (jmclaughlin@cullenllp.com) at (516) 357-3889, or Dina Vespia (dvespia@cullenllp.com) at (516) 357-3726.

Thank you to Ciara Villalona, a Law Clerk pending New York bar admission, who assisted in the preparation of this alert.

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