

HUNTON

Evolving Compliance Risks for Universities

Civil Rights and Funding Enforcement

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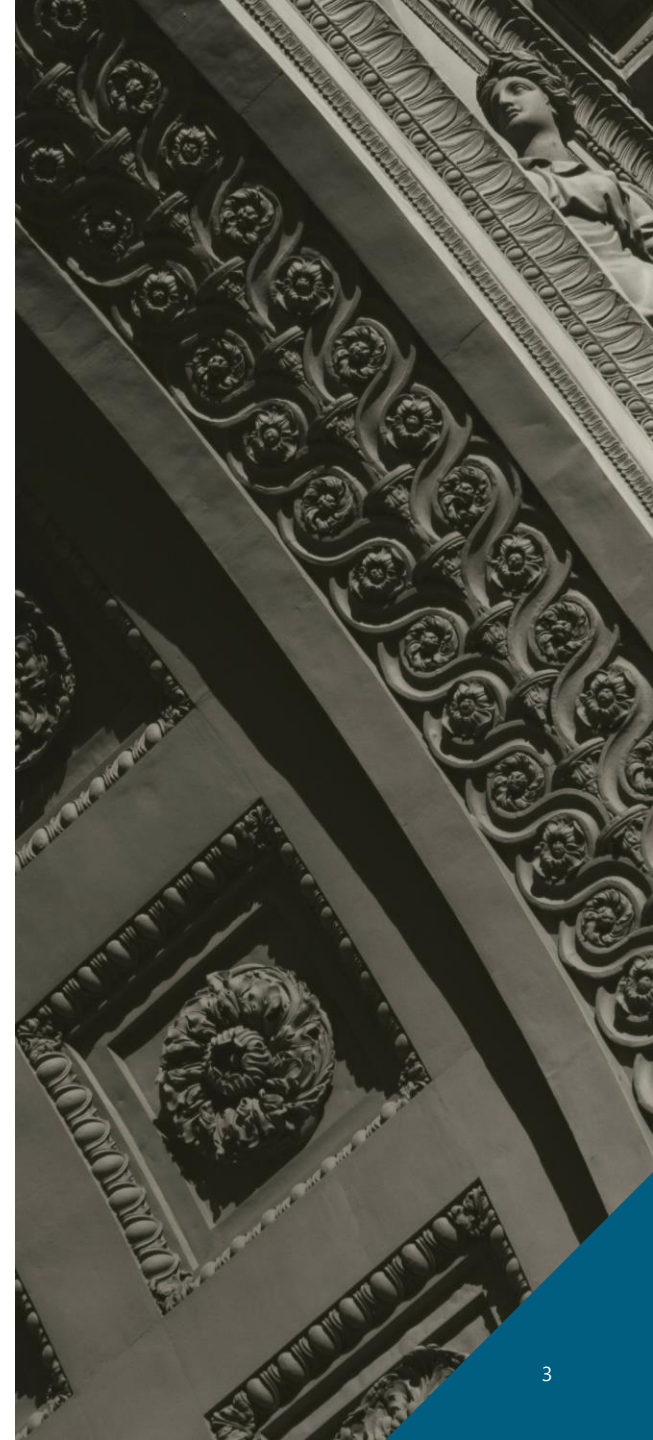
Introduction

Goal:

Provide an overview of compliance risks for colleges and universities as federal contractors and grantees and as recipients of federal financial assistance through Title IV federal student aid funding

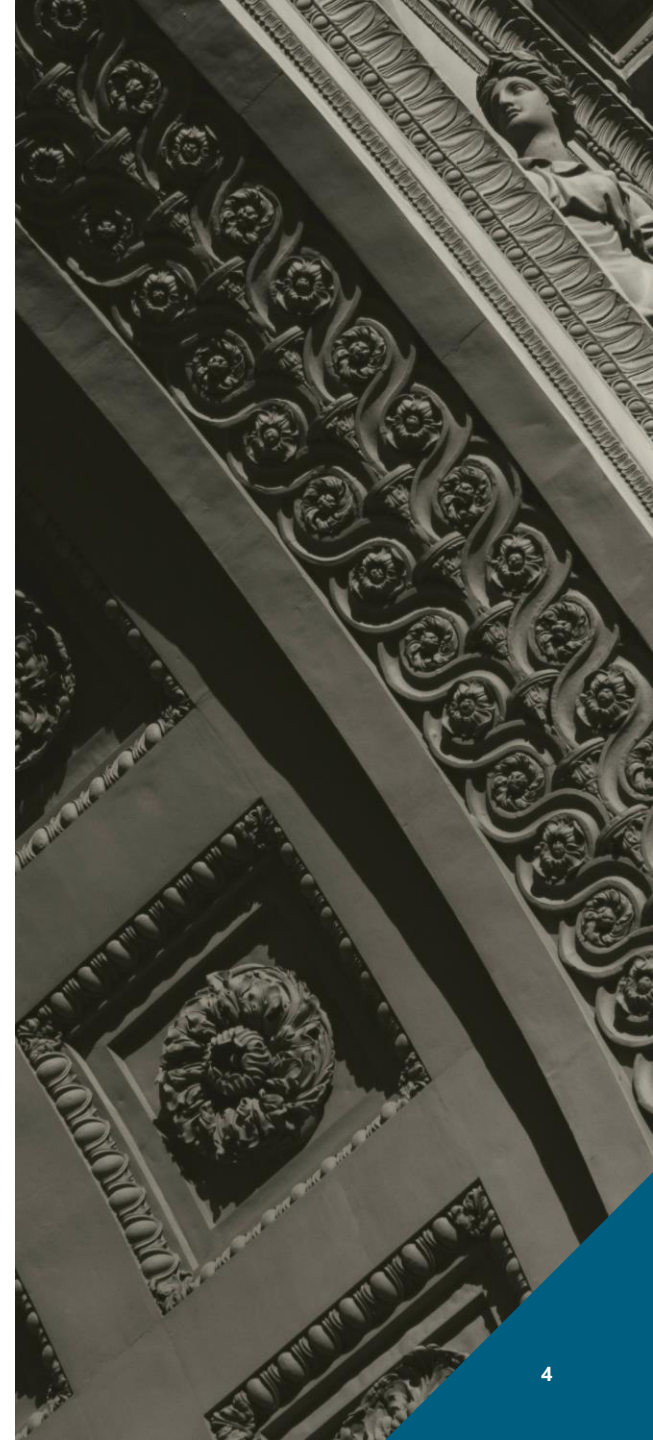
Keys To Focus On:

- Federal legal and regulatory requirements – e.g., Title VI, VII, IX
- Current federal enforcement trends
- Proactive compliance strategies



Disclaimer

- **The information provided in this presentation is for general informational purposes only and does not constitute legal advice.** No attorney-client relationship is formed by attending or viewing this presentation.
- The content of this presentation is intended to be neutral and objective and **does not represent the views or opinions of the presenters, our employers, or NILG.**
- **For legal advice specific to your situation,** please consult a qualified attorney.



Federal Funding Sources for Colleges & Universities



Research grants



Federal contracts



Student federal financial aid

Title VI & Title VII

Title VI and Title VII



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.

Title VI of the Civil Rights Act of 1964



It shall be an unlawful...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.

Title VII of the Civil Rights Act of 1964

Legal Framework of Title VI & Title VII

Interpreted by:



Courts



Rulemaking



Guidance

Recent Guidance on Title VI and Title VII

Dept. of Justice, "Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination" (July 29, 2025)

Dept. of Justice, Memorandum, "Civil Rights Fraud Initiative" (May 19, 2025)

Executive Order, "Restoring Equality of Opportunity and Meritocracy" (April 23, 2025)

Dept. of Education, Dear Colleague Letter (February 14, 2025) (vacated)

Executive Order, "Ending Illegal Discrimination and Restoring Merit-Based Opportunities" (January 22, 2025) (enjoined)

Executive Order, "Additional Measures to Combat Anti-Semitism" (January 29, 2025)

Title IX

Title IX

“ 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.

Title IX of the Education Amendments of 1972

Legal Framework of Title IX

Interpreted by:



Courts (*Bostock v. Clayton County*, 590 U.S. 644 (2020))



Rulemaking



Guidance

Recent Guidance on Title IX

Dept. of Justice, “Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination” (July 29, 2025)

Executive Order, “Keeping Men Out of Women’s Sports” (February 5, 2025)

Dept. of Education, Dear Colleague Letter (February 4, 2025)

Executive Order, “Defending Women and from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government” (January 20, 2025)

Title IV

Title IV of the Higher Education Act

Administration of federal student financial aid programs

Applies to accredited colleges and universities that participate in federal student aid programs

US citizen students enrolled at these schools who make “satisfactory academic progress” can receive:

- **Direct loans** – subsidized, unsubsidized, PLUS loans
- **Grants** – Pell Grants (but others as well)
- **Federal work** – study jobs

Overseen by the US Department of Education’s Office of Federal Student Aid

Title IV of the Higher Education Act

Example of a Title VI Reporting Requirement: Section 117

- Requires college and universities participating in Title IV to disclose information about certain gifts and contracts from foreign sources
- Requires reporting 2x/year (January 31 and July 31)
- Requires report of gifts or contracts from a foreign source that alone or combined are **valued at \$250,000 or more in a calendar year**
- Compliance overseen by the US Department of Education
- Non-compliance may lead to enforcement by the Justice Department

International Students

F-1 visas and student status

- Visas are required to enter the US
- Status determines how long a student can stay in the US

F-1 visas are issued by the State Department

F-1 status is tracked by the Dept. of Homeland Security's Student and Exchange Visitor Program (SEVP)

Current Issues and Concerns:

- Terminations of F-1 status in Spring 2025
- Dept. of State Cable (May 2025) announced social media vetting for visa appointments

Current Federal Civil Rights Enforcement Trends

Current Enforcement Mechanisms

1. Civil rights agencies and DOJ enforcement

2. Initiatives and Task Forces

- Federal Task Force to Combat Anti-Semitism
- Title IX Special Investigations Team
- Civil Rights Fraud Initiative – False Claims Act

3. Grant certifications, terminations, and revocations

4. Funding Freezes

Current Enforcement Mechanisms (Continued)

5. National Center for Education Statistics (NCES) data on admissions and financial aid

6. Interest group complaints (e.g., Project Veritas)

7. Investigations from news and advocacy websites

Key Resolution Terms and Requirements – Title VI and Title VII

Internal review of Middle East programs

Appoint a liaison for students with concerns about antisemitism issues

Conduct a climate survey

Provide data on harassment and discrimination reports received to the federal government

Ensure that the institution uses a merit-based admissions policy and does not use quotas or diversity targets. Provide admissions data to the federal government.

Ensure that the institution employs hiring and promotional practices for faculty and staff based on individual qualifications and merit. Provide data to the federal government.

Limitations on protest activities in academic buildings and prohibitions on the use of face masks/coverings to conceal one's identity

Federal government to restore terminated grants and close pending investigations

Institution will make a monetary payment to the federal government or state government

Key Resolution Terms and Requirements – Title IX

Provide single-sex housing, bathrooms, and locker rooms for women

Provide all-women sports teams

Define “male” and “female” consistent with Executive Orders

Not perform gender re-assignment surgery or prescribe puberty blockers or hormones for minors

Restore female athletes to individual records, titles, or similar recognitions and send an apology letter to affected female athletes

Proactive Compliance Strategies

Proactive Compliance Strategies

Internal audits

- Examples: admissions, financial aid, hiring/promotions for staff and faculty, international students, foreign funding

Update, revise, and train on policies

- Examples: hiring/promotions, terminations, protests and demonstrations, Title IX and Title VI, international students

Proactive Compliance Strategies



Monitor campus activities, protests, SEVIS, admissions data, hiring/promotions data, federal grant activities and requirements



Stay attuned to key legal developments—federal, state

Preparation for Federal Enforcement Action

Asses your university's current risk level and risk tolerance

Gather a team for regular briefings on key developments

If you are the subject of federal enforcement action, prepare to bring in a team of experts:

- Subject-matter specific experts from in-house and outside law firms
- PR/Comms
- Government relations

Prepare for Options A, B, and C when working with the federal govt.

Questions?

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