H. R. 8648

To increase the transparency of colleges and universities in carrying out their civil rights responsibilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 7, 2024

Mrs. CHAVEZ-DEREMIL introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To increase the transparency of colleges and universities in carrying out their civil rights responsibilities, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Civil Rights Protection Act of 2024”.

4 SEC. 2. COMPLIANCE AND TRANSPARENCY RELATED TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

5 (a) Program Participation Agreement Requirement.—Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—
(1) in subsection (a), by adding at the end the following new paragraph:

“(30) The institution will comply with the provisions of subsection (i) and provide to the Secretary an annual attestation of such compliance.”.

(2) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(3) by inserting after subsection (h) the following new subsection:

“(i) COMPLIANCE AND TRANSPARENCY RELATED TO COMPLAINTS UNDER TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.—

“(1) COMPLIANCE AND TRANSPARENCY.—With respect to complaints received by an institution related to alleged violations of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the institution will—

“(A) have in effect, make publicly available (including on the website of the institution), and widely distribute to students and their families (including in student orientation materials) a description of the investigative processes of the institution related to such complaints; and
“(B) include in the description of investigative processes described in subparagraph (A) at least the following:

“(i) The processes and factors used to determine whether such a complaint will be investigated and how the outcome of an investigation will be determined.

“(ii) A designation of at least one employee to coordinate its efforts to comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), including any investigation of any complaint alleging the noncompliance of the institution with requirements under the Act.

“(iii) The contact information and necessary steps for reporting such a complaint to the institution.

“(iv) A procedure to ensure that, for each such complaint received by the institution, the complainant will receive from the institution timely notification of each of the following:

“(I) Confirmation of receipt of the complaint.
“(II) Notification of whether or not an investigation has been opened in response to the complaint.

“(III) In the case that an investigation was not opened in response to the complaint, an explanation of why an investigation was not opened including a summary of the information that was used to determine that an investigation should not be opened.

“(IV) In the case that an investigation was opened—

“(aa) notification that an investigation of the complaint will be carried out, and that the complainant will be notified of the outcome of the investigation; and

“(bb) notification of the outcome of the investigation, including an explanation of how the outcome was reached, and any remedial actions taken in response to the complaint.

“(v) A system for keeping and maintaining records of such complaints, includ-
ing the determination and reasoning for whether or not an investigation into a complaint was opened, a record of the investigation (including the outcome thereof), and a record of any remedial actions taken in response to the complaint.

“(vi) The contact information and necessary steps for reporting a complaint related to an alleged violation of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) to the Office for Civil Rights of the Department of Education, including the hyperlink to the electronic complaint form of the Office for Civil Rights for an alleged violation of such title VI.

“(2) ENFORCEMENT.—An institution of higher education that fails to comply with any provision of subsection (a)(30) for two consecutive award years shall be ineligible to participate in the programs authorized by this title for a period of not less than two years. To regain eligibility to participate in the programs authorized by this title, an institution of higher education shall demonstrate compliance with paragraph (1) prior to the completion of the period
during which the institution is ineligible due to fail-
ure to comply with such paragraph.”.

(b) EFFECTIVE DATE.—The amendments made by
subsection (a) shall take effect on the first day of the first
award year beginning after the date of enactment of this
Act.

SEC. 3. OFFICE FOR CIVIL RIGHTS REQUIREMENTS.

(a) CONGRESSIONAL BRIEFINGS.—

(1) IN GENERAL.—Beginning not later than 30
days after the date of the enactment of this Act and
ending 2 years after such date of enactment, the As-
sistant Secretary for Civil Rights of the Department
of Education shall give a monthly briefing to the
Committee on Education and the Workforce of the
House of Representatives and the Committee on
Health, Education, Labor, and Pensions of the Sen-
ate regarding discrimination on the basis of race,
color, or national origin in violation of title VI of the
Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.),
disaggregated by the basis of discrimination, includ-
ing shared ancestry, that—

(A) explains the number of complaints al-
leging such discrimination that the Office for
Civil Rights of the Department of Education
(referred to in this section as the “Office”)—
(i) is investigating; and

(ii) has received in the preceding month;

(B) describes—

(i) how the Office plans to address those complaints; and

(ii) the investigations being carried out in response to those complaints, as applicable; and

(C) provides data about the length of time that those complaints are pending after being received by the Office.

(2) REPORT.—Not later than 48 hours prior to each briefing required under paragraph (1), the Assistant Secretary for Civil Rights of the Department of Education shall provide a written report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate that contains the information that will be presented at such briefing, in a manner that protects personally identifiable information in accordance with applicable privacy laws.
(1) DISMISSALS.—The Office shall not close or dismiss any complaint regarding discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) due to the filing of a complaint involving the same allegations against the same recipient—

(A) by an individual other than the complainant with another Federal, State, or local agency, a court, or the recipient, unless the Office determines that such other individual’s complaint is part of a class action in which the complainant is part of such class; or

(B) by the complainant with another Federal, State, or local agency, a court, or the recipient.

(2) INVESTIGATIONS.—The Office shall not delay an investigation of a complaint due to the filing of a complaint involving the same allegations against the same recipient with another Federal, State, or local agency or a recipient.

(3) RECIPIENT DEFINED.—For purposes of this subsection, the term “recipient” means an institution of higher education (as such term is defined in section 102 of the Higher Education Act of 1965
(20 U.S.C. 1002)) that receives funds under an applicable program (as such term is defined in section 400 of the General Education Provisions Act (20 U.S.C. 1221)).