Grand River Solutions hosted national experts **Peter Lake** and **Jody Shipper** for a thoughtful discussion on how institutions can navigate the evolving compliance obligations under Titles VI and VII of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972. They traced the shift from the 2011 “how to” guidance to the 2025 “what not to do” compliance approach, highlighting challenges in balancing fairness, transparency, and free speech. Professor Lake and Jody Shipper emphasized the need for institutions to consider having a centralized structures versus separate offices for Title VI, VII and IX, high-quality intake and assessment, strong relationships with campus stakeholders, and data-driven oversight to identify patterns, barriers to reporting, and systemic issues support consistent and equitable responses. They further discussed how an integrated case management system is a necessary tool for compliance offices, especially during this time of unclear federal expectations and lack of informative resolution agreements.

Challenges, Evolution, and Institutional Design

Early federal guidance in the 2011 Title IX era focused on *how to* achieve compliance. Today’s Title VI landscape, however, is characterized more by instruction on *what not to do*. This shift—alongside a post-regulatory environment and the impact of changes to case law concerning Chevron

deference—creates uncertainty and inconsistency in enforcement and institutional response.

Core Challenges and Misapplications

Institutions frequently struggle with balancing complainant autonomy and institutional responsibility. Waiting for a complainant to formally elect to move forward with an investigation may conflict with obligations to address pervasive or systemic discrimination. Moreover, the erosion of the disparate impact doctrine under the Trump administration has raised questions about the reach of Title VI and the role of private actors and agencies such as the EEOC.

Operational and Structural Issues

Professor Lake and Jody Shipper emphasized that separating compliance functions into different offices creates information and communication silos that can weaken accountability and reduce effective responses. Fragmented systems hinder centralized data collection, obscure patterns of discrimination, and might create institutional stasis. A unified civil rights office with clear gatekeeping functions, proper authority, and a single nexus of accountability makes the difference between meeting compliance expectations and facing structural vulnerability.

Process and Intake

Effective intake and assessment are critical. Institutions often delegate this function to more junior staff; using experienced staff for early engagement better ensures accurate categorization, appropriate process initiation, more equitable outcomes, and generally makes the parties feel more comfortable sharing sensitive information. Active listening and follow-up are essential to uncover unreported issues or trends.

Procedural Considerations

Professor Lake and Jody Shipper were asked to provide their perspective on critical procedural elements for matters under Title VI, VII and IX. While some advocate for hearings in all matters, there is no data that demonstrates hearings lead to more accurate results. Whether or not their processes include hearings, Shipper noted that campuses should focus on thorough investigations that properly gather and weigh all relevant evidence and practices that provide a meaningful opportunity to respond. Institutions must also stay attuned to due process-related circuit-level court decisions for their region, collective bargaining agreements, and state-specific standards.

A key tension persists between adversarial legal models and community expectations for supportive, restorative approaches. Balancing compliance with compassion remains a central institutional challenge.

Transparency, Trust, and Free Speech

Building trust in processes requires transparency and consistency. Institutions should clearly communicate process stages, responsible offices, and available resources while remaining mindful of privacy obligations and academic freedom. Viewpoint neutrality and coordination between bias response teams and compliance offices is critical to avoid overreach and ensure respect for protected expression.

Strategic Change and Resource Management

Many institutions face capacity constraints following the closure or downsizing of offices. Outsourcing, shared service models, or partnerships with subject matter experts may offer cost-effective compliance solutions. As the compliance landscape gets more confusing, it is an opportune time to reassess your equity policies and structures—such as establishing centralized civil rights offices that integrate Title VI, VII and IX, and related mandates under one accountable framework.