

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 9203
OFFERED BY MR. FINE OF FLORIDA**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Student Protection and
3 University Accountability Act”.

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

6 (a) PROGRAM PARTICIPATION AGREEMENT RE-
7 QUIREMENT.—Section 487 of the Higher Education Act
8 of 1965 (20 U.S.C. 1094) is amended—

9 (1) by redesignating subsections (i) and (j) as
10 subsections (j) and (k), respectively;

11 (2) in subsection (a), by adding at the end the
12 following new paragraph:

13 “(30) The institution will comply with the pro-
14 visions of subsection (i) and provide to the Secretary
15 an annual attestation of such compliance.”; and

16 (3) by inserting after subsection (h) the fol-
17 lowing new subsection:

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

4 “(1) COMPLIANCE AND TRANSPARENCY.—With
5 respect to complaints received by an institution re-
6 lated to alleged violations of title VI of the Civil
7 Rights Act of 1964 (42 U.S.C. 2000d et seq.), the
8 institution shall take the following actions:

9 “(A) Have in effect investigative processes
10 related to such complaints, which shall include
11 each of the elements listed in clauses (i)
12 through (vi) of subparagraph (B), and make
13 publicly available (including on the website of
14 the institution), and widely distribute to stu-
15 dents and their families (including in student
16 orientation materials), a description of such in-
17 vestigative processes.

18 “(B) Include in the investigative processes
19 described in subparagraph (A) at least the fol-
20 lowing:

21 “(i) The processes and factors used to
22 determine whether such complaints will be
23 investigated by the institution and how the
24 outcome of an investigation will be deter-
25 mined.

1 “(ii) A designation of at least one em-
2 ployee to coordinate its efforts to comply
3 with title VI of the Civil Rights Act of
4 1964 (42 U.S.C. 2000d et seq.), including
5 any investigation of such complaints.

6 “(iii) A procedure to ensure that, for
7 each such complaint received by the insti-
8 tution, the complainant will receive from
9 the institution—

10 “(I) not later than 30 days after
11 receipt of such complaint—

12 “(aa) notification of the re-
13 ceipt of the complaint;

14 “(bb) notification of whether
15 or not an investigation has been
16 opened in response to the com-
17 plaint;

18 “(cc) in the case that an in-
19 vestigation is not opened in re-
20 sponse to the complaint, an ex-
21 planation of why an investigation
22 was not opened, including a sum-
23 mary of the information that was
24 used to determine that an inves-

1 tigation should not be opened;
2 and

3 “(dd) in the case that an in-
4 vestigation is opened, notification
5 that an investigation of the com-
6 plaint will be carried out and
7 that the complainant will be noti-
8 fied of the outcome of the inves-
9 tigation; and

10 “(II) not later than 30 days after
11 an outcome of an investigation is
12 reached, notification of the outcome of
13 the investigation, including an expla-
14 nation of how the outcome was
15 reached, and any remedial actions
16 taken in response to the complaint.

17 “(iv) A system for keeping and main-
18 taining records of such complaints, includ-
19 ing the determination and reasoning for
20 whether or not an investigation into a com-
21 plaint was opened by the institution, notifi-
22 cations to and communications with the
23 complainant and, if applicable, the re-
24 spondent, a record of the investigation (in-
25 cluding the outcome thereof), and a record

1 of any remedial actions taken in response
2 to the complaint.

3 “(v) The contact information and nec-
4 essary steps for reporting such complaints
5 to the institution.

6 “(vi) The contact information and
7 necessary steps for reporting a complaint
8 related to an alleged violation of title VI of
9 the Civil Rights Act of 1964 (42 U.S.C.
10 2000d et seq.) to the Office for Civil
11 Rights of the Department of Education,
12 including the hyperlink to the electronic
13 complaint form of the Office for Civil
14 Rights for an alleged violation of such title.

15 “(C) With respect to public awareness
16 campaign materials created and distributed by
17 the Office for Civil Rights of the Department of
18 Education relating to protections for individuals
19 under title VI of the Civil Rights Act of 1964
20 (42 U.S.C. 2000d et seq.), display and publish
21 such materials, as applicable—

22 “(i) not later than 30 days after such
23 materials are distributed;

1 “(ii) for not less than 1 year or until
2 new such materials are distributed, which-
3 ever is later;

4 “(iii) in high traffic, public places on
5 the campus of the institution; and

6 “(iv) on a publicly available website of
7 the institution.

8 “(2) ENFORCEMENT.—An institution of higher
9 education that fails to comply with the provisions of
10 subsection (a)(30) for two consecutive award years
11 shall be ineligible to participate in the programs au-
12 thorized by this title for a period of not less than the
13 first two subsequent award years. To regain eligi-
14 bility to participate in the programs authorized by
15 this title, an institution of higher education shall
16 demonstrate compliance with paragraph (1) prior to
17 the completion of the period during which the insti-
18 tution is ineligible due to failure to comply with such
19 paragraph.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall take effect on the first day of the first
22 award year (as such term is defined in section 481 of the
23 Higher Education Act of 1965 (20 U.S.C. 1088)) begin-
24 ning after the date of enactment of this Act.

1 **SEC. 3. OFFICE FOR CIVIL RIGHTS REQUIREMENTS.**

2 (a) CONGRESSIONAL BRIEFINGS.—

3 (1) IN GENERAL.—Beginning not later than 30
4 days after the date of enactment of this Act and
5 ending 2 years after such date of enactment, the As-
6 sistant Secretary for Civil Rights of the Department
7 of Education (or the designee of such Assistant Sec-
8 retary) shall provide a briefing, on a bimonthly
9 basis, to the authorizing committees about com-
10 plaints alleging discrimination on the basis of race,
11 color, or national origin in violation of title VI of the
12 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.)
13 that have been received by the Office for Civil
14 Rights of the Department of Education in the pre-
15 ceding month—

16 (A) in a manner that—

17 (i) protects personally identifiable in-
18 formation; and

19 (ii) disaggregates information by the
20 basis of such alleged discrimination (in-
21 cluding shared ancestry); and

22 (B) that includes—

23 (i) the number of such complaints;

24 (ii) a description of—

1 (I) how the Office has addressed
2 or plans to address such complaints;
3 and

4 (II) the investigations being car-
5 ried out in response to such com-
6 plaints, as applicable; and

7 (iii) data about the length of such in-
8 vestigations.

9 (2) REPORT.—Not later than 48 hours prior to
10 each briefing required under paragraph (1), the As-
11 sistant Secretary for Civil Rights of the Department
12 of Education (or the designee of such Assistant Sec-
13 retary) shall submit to the authorizing committees a
14 written report that contains the information that will
15 be presented at such briefing and that complies with
16 the requirements of paragraph (1)(A).

17 (3) DEFINITIONS.—For purposes of this sub-
18 section:

19 (A) AUTHORIZING COMMITTEES.—The
20 term “authorizing committees” means the Com-
21 mittee on Education and Workforce of the
22 House of Representatives and the Committee
23 on Health, Education, Labor, and Pensions of
24 the Senate.

1 (B) OFFICE.—The term “Office” means
2 the Office for Civil Rights of the Department of
3 Education.

4 (b) OCR PROCESS REFORMS.—

5 (1) DISMISSALS.—The Office may not close or
6 dismiss any complaint regarding discrimination on
7 the basis of race, color, or national origin in viola-
8 tion of title VI of the Civil Rights Act of 1964 (42
9 U.S.C. 2000d et seq.) due to the filing of a com-
10 plaint involving the same allegations against the
11 same recipient—

12 (A) by an individual other than the com-
13 plainant with another Federal, State, or local
14 agency, a court, or the recipient, unless the Of-
15 fice determines that—

16 (i) a court has certified a class action
17 with respect to the alleged violation of such
18 other individual’s complaint;

19 (ii) such other individual is a member
20 of such class; and

21 (iii) the complainant is a member of
22 such class; or

23 (B) by the complainant with another Fed-
24 eral, State, or local agency, a court, or the re-
25 cipient.

1 (2) INVESTIGATIONS.—The Office may not
2 delay an investigation of a complaint due to the fil-
3 ing of a complaint involving the same allegations
4 against the same recipient with another Federal,
5 State, or local agency or the recipient.

6 (3) RECIPIENT DEFINED.—For purposes of this
7 subsection, the term “recipient” means an institu-
8 tion of higher education (as such term is defined in
9 section 102 of the Higher Education Act of 1965
10 (20 U.S.C. 1002)) that receives funds under an ap-
11 plicable program (as such term is defined in section
12 400 of the General Education Provisions Act (20
13 U.S.C. 1221)).

