



ABOUT THE OFFICE FOR CIVIL RIGHTS (OCR)

Mission

OCR's mission is to ensure equal access to education and promote educational excellence throughout the nation through vigorous enforcement of civil rights.

Activities

OCR advances its mission by:

- handling [complaints](#) from students, parents, employees, advocates, and others;
- providing presentations and technical assistance for stakeholders, including student and parent groups, advocacy and legal organizations, schools and districts, and colleges and universities;
- publishing "Dear Colleague Letters," frequently asked questions, resources guides, fact sheets, and other [documents](#) that provide guidance about laws and regulations OCR enforces;
- opening agency-initiated directed investigations and compliance reviews; and
- collecting and publishing [data](#) about civil rights indicators in elementary and secondary schools.

Jurisdiction

OCR enforces the following federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the U.S. Department of Education:

- Title VI of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, and national origin;
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex;
- The Age Discrimination Act of 1975, which prohibits discrimination based on age; and
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability.

OCR also enforces Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance.

Under these laws and their regulations, OCR has jurisdiction over public schools and districts (including charter schools), state education agencies, school services in many juvenile detention and commitment centers, and most colleges and universities. OCR also has jurisdiction over some vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums.

FILING AN OCR COMPLAINT

Who?

Anyone may file a complaint with OCR. The person or organization filing the complaint need not be a victim of the alleged discrimination but may complain on behalf of another person or group. OCR receives complaints from students, parents and guardians, advocates and attorneys, employees, and others.

What?

A complaint should include:

- the name and contact information of the person filing the complaint (cannot be anonymous);
- the name(s) of the person(s), or a description of the class of persons, discriminated against;
- the alleged basis for the discrimination (*i.e.*, race, color, national origin, sex, disability, or age);
- the name and location of the institution that allegedly discriminated; and
- a description of the alleged discrimination, including who was involved, what happened, and when it happened.

When?

Complaints typically must be filed within 180 calendar days after the discrimination. There are certain, limited circumstances that allow OCR to grant a timeliness waiver. More information about the timeframe for filing a complaint can be found in Sections 106 and 107 of OCR's *Case Processing Manual*, available [here](#).

Why?

Complaints may be filed alleging that a recipient of funding from the U.S. Department of Education discriminated based on race, color, national origin, sex, disability, or age. Examples of such recipients include public schools and school districts (including charter schools), state education agencies, most colleges and universities, some vocational and proprietary schools, and state vocational rehabilitation agencies. Additionally, complaints may be filed alleging that a public entity, such as a library or museum, discriminated based on disability, regardless of funding.

How?

Complaints to OCR must be in writing. They can be filed:

- [online](#);
- by email: OCR.Denver@ed.gov;
- by fax: (303) 844-4303; or
- by mail: 1244 Speer Blvd., Ste. 310, Denver, CO 80204.

If you need OCR to assist you in filing the complaint because your disability makes it such that you cannot submit it in writing, you should reach out to OCR to request a reasonable accommodation.

OCR'S CASE PROCESSING

Docketing, Acknowledgement, and Consent

When OCR receives a complaint, they assign a case number and promptly acknowledge receipt of the complaint in writing. The acknowledgement will be sent via email or mail, depending on how the complaint was filed.

When it is necessary to disclose the identity of the complainant to the recipient to resolve the complaint, OCR will require written consent before proceeding. The complainant will be informed that the complaint will be dismissed if written consent is necessary for OCR to resolve the complaint and consent is not received within 20 calendar days of the date that OCR requests the Consent Form from the complainant.

Evaluation

When evaluating a complaint, OCR considers:

- whether the complaint was filed within 180 calendar days of the alleged discriminatory act and if not, whether to grant a waiver (if requested) pursuant to Section 107 of OCR's [Case Processing Manual](#) (CPM);
- whether an allegation must be dismissed based any of the reasons set forth in Section 108 of the CPM; and
- what, if any, allegations will be opened for investigation.

After evaluating the complaint, OCR generally notifies the complainant, in writing, of the allegation(s) OCR is dismissing and/or opening for investigation. OCR will notify the recipient of a complaint if and when it opens one or more allegations for investigation.

Investigation

During OCR's investigation, OCR may use a variety of investigatory tools, including reviewing records, interviewing witnesses, conducting surveys, and performing data analyses.

Once OCR opens an investigation, OCR may use the following options to resolve an allegation:

- Rapid Resolution Process (RRP):** This is an expedited process OCR can use to resolve allegations prior to or after opening an investigation. During RRP, OCR works with the recipient to ensure it has or will take steps to resolve any potential concerns about the recipient's compliance with the laws enforced by OCR.
- Mediation:** This process involves the parties voluntarily attempting to resolve the allegations through a confidential process with an OCR staff member as the facilitator. If mediation is unsuccessful, the investigation of the allegation(s) will proceed.
- 302 Resolution Agreement:** A recipient may agree to resolve an allegation voluntarily, without admitting wrongdoing, by entering a 302 Resolution Agreement, the terms of which are negotiated between the recipient and OCR.
- 303(a) Finding of Insufficient Evidence:** If OCR finds insufficient evidence of an alleged violation, OCR will issue a letter of findings explaining this outcome to the complainant and recipient.
- 303(b) Finding of Non-Compliance and Resolution Agreement:** If, based on a preponderance of the evidence, OCR determines that a recipient has failed to comply with applicable statutes and laws, OCR will issue a letter of findings explaining this outcome to the parties. The recipient and OCR will also negotiate the terms of a 303(b) Resolution Agreement that will detail the step(s) the recipient will take to come into compliance.
- Dismissal:** When a complaint allegation is dismissed pursuant to Section 108 of the CPM after the complaint allegation has been opened for investigation, OCR will issue a letter to the complainant and recipient explaining the reason for the decision.

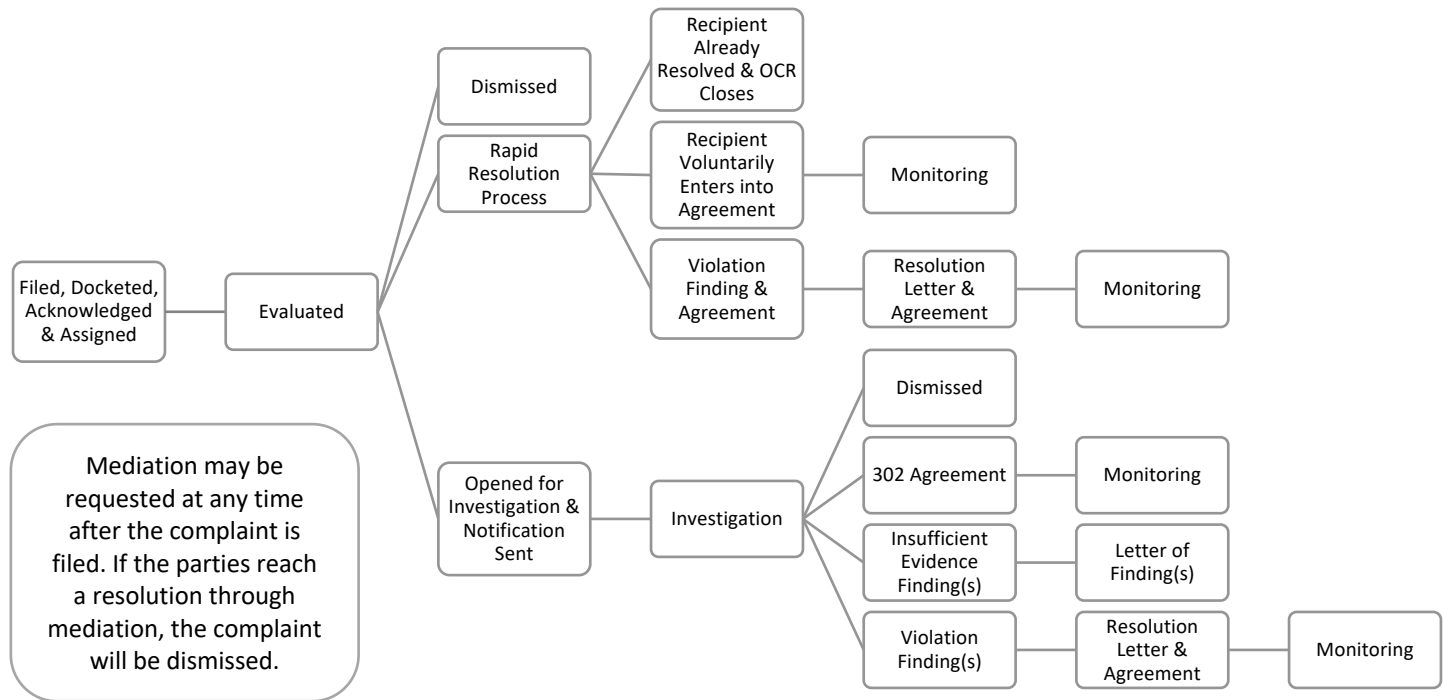
Examples of Possible Resolution Agreement Terms:

- Section 504 or IEP team meeting to discuss compensatory education or other remedial measures
- revisions to policies, procedures, and forms
- staff trainings
- new programming
- an opportunity to reapply or reenroll

Monitoring

If a complaint allegation is resolved with a 302 or 303(b) Resolution Agreement, OCR will monitor the recipient's implementation of the terms of the agreement until OCR determines that the recipient has complied with the Resolution Agreement.

Overview of OCR's Case Processing



MEDIATION THROUGH OCR

Who is present at mediation?

Mediation is typically attended by the complainant (*i.e.*, the person who filed the complaint with OCR) and one or more representatives of the recipient (*i.e.*, the school, district, college, university, etc.). Complainants may bring an advocate or attorney to mediation, although having one is not required. Likewise, recipients may bring an attorney to mediation. At a minimum, both sides should include individuals who have the authority to sign a formal agreement.

Mediation is also attended by an OCR staff member who will facilitate the process and essentially act as a mediator ("Facilitator"). The Facilitator will not be the staff member or one of the staff members assigned to the investigation of that complaint. The Facilitator's role is to:

- serve as an impartial, confidential facilitator between the parties;
- inform the parties of mediation procedures;
- establish a constructive tone, and encourage the parties to work expeditiously and in good faith toward a mutually acceptable resolution;
- review the allegations with the parties;
- assist the parties in understanding the pertinent legal standards and possible remedies;

- facilitate a discussion between the parties regarding possible actions that the parties may consider in working toward a resolution; and
- assist the parties in drafting any resolution agreement.

Parties should notify the Facilitator who, if anyone other than themselves, they plan to bring to mediation. An “Agreement to Participate in Mediation” must be reviewed and signed, verbally agreed to, or agreed to by email by anyone who will be present during the mediation. In circumstances where verbal agreement is obtained, the Facilitator will send a letter or email to the parties to confirm the agreement.

Participants should participate in the discussions in good faith, consider offers or suggestions with an open mind, and work constructively toward a mutually acceptable resolution.

When will mediation take place?

Mediation typically happens within two to four weeks of the parties agreeing to participate. Mediation will occur on a date and at a time that are agreed upon by the complainant, recipient, and Facilitator. The Facilitator will work with both parties to schedule mediation. A small number of mediations take place over multiple sessions.

How long will mediation last?

The length of mediation varies based on numerous factors, including the number and complexity of issues to be resolved, the number of individuals present, the amount of forethought by the parties, and the cooperativeness of the parties. Most mediations last from four to eight hours.

Where will mediation take place?

Mediation will take place at a location that is agreed upon by the complainant, recipient, and facilitator. For example, mediation may take place at OCR’s office, a school, a school district central office, or via video conference.

What are the benefits of mediation?

The benefits of mediation include:

- repairing relationships between the parties that may be damaged or broken;
- promoting and improving communication between the parties, including by providing a neutral and confidential setting in which the parties can openly discuss their views;
- helping the parties and OCR reach a resolution in a more timely, efficient, and cost-effective manner than if the allegation(s) goes through a full investigation;
- giving the parties more control over the case process and outcomes (in contrast, resolution agreements are only between OCR and recipients);
- possibly resolving issues more quickly and efficiently compared to the time and resources of a full investigation; and
- resolving issues important to both parties, beyond just the underlying legal dispute.

Do participating parties have to pay for mediation?

No! Mediation is free and neither the complainant nor the recipient will pay for mediation.

How should parties prepare for mediation?

Prior to the mediation, participants should:

- notify the Facilitator if they need interpretation, translation, or disability-related accommodations; and
- consider and write down their goals and ideas for solutions to bring to mediation.

What should parties bring to mediation?

Parties should bring a drink, snack, pen, and paper to mediation. It can also sometimes be helpful to bring a laptop computer.

What will happen during mediation?

Agenda for mediations vary based on the issue(s), Facilitator, parties' preferences, and other factors. An example of a mediation agenda is as follows:

- All parties introduce themselves.
- The Facilitator explains the purpose of mediation, their role, the issue(s) at hand, the process for the day and moving forward, expectations and ground rules for the parties, including confidentiality.
- The Facilitator obtains confirmation from the parties that they agree to adhere to the ground rules.
- The complainant is given an opportunity to provide a brief explanation of what, from their perspective, brought the parties to the point where they felt a complaint to OCR was necessary.
- The recipient's representative is given an opportunity to respond and present their perspective.
- The parties and Facilitator may then all remain in the same room, or the Facilitator may separate the parties into different rooms.
- The Facilitator goes back-and-forth between the parties as they work to reach an agreement.

Is mediation confidential?

A "Confidentiality Agreement" must be reviewed and signed, verbally agreed to, or agreed to by email by the Facilitator and parties. Any notes taken during mediation by the Facilitator and any records or other documents offered by the parties to the facilitator during mediation will be kept in a separate file and will not be shared with the staff members assigned to investigate the complaint allegation(s). Oftentimes, mediation agreements also include stipulations around confidentiality and you should review and make sure you understand these terms before signing an agreement.

What will happen with OCR's investigation during the mediation process?

During the mediation process, OCR will suspend its investigation for up to 30 calendar days.

What will happen if no agreement is reached during mediation?

If mediation is unsuccessful, OCR will proceed with the investigation in accordance with applicable law and OCR's case processing procedures.

What happens if an agreement is reached during mediation?

At the conclusion of successful mediation, the Facilitator will obtain a copy of either: (1) a statement signed by the complainant that the allegations have been resolved; or (2) a copy of the agreement that was signed by the parties.

Additionally, the Facilitator will send the parties closure letters that specify the allegation(s) that have been resolved, and that other outstanding allegations, if any, will be resolved through the investigation and resolution process. A copy of the signed statement from the complainant or the agreement between the parties will be attached to the closure letters.

OCR does not sign, approve, endorse, or monitor any agreement reached between the parties.

What if the agreement is violated?

OCR does not monitor or enforce mediation agreements but will inform the parties that if a breach occurs, the complainant has the right to file a new complaint with OCR.

To be considered timely, a new complaint must be filed either within 180 calendar days of the date of the original alleged discrimination, or within 60 calendar days of the date that the complainant is on notice that a breach occurred, whichever date is later.

If a new complaint is filed, OCR will not address the alleged breach of the agreement. Instead, OCR may address the underlying alleged discrimination.

ADDITIONAL INFORMATION ABOUT OCR

For additional information:

- www.ed.gov/ocr
- [OCR Complaint Process](#)
- [OCR's Case Processing Manual](#)
- www2.ed.gov/about/offices/list/ocr/complaintprocess.html
- <https://ocrcas.ed.gov/ocr-search>

*** DISCLAIMER: This is not intended as legal advice, but rather for informational purposes only. Always consult a lawyer if you have questions about your legal rights. ***

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