



Programs & Activities Checklist

Purpose

Colleges receiving federal funds must comply with civil rights laws that provide that **no person shall**, on the grounds of sex, race, color, or national origin, including shared ancestry, **be excluded from participation in, or denied the benefits of, or be subjected to discrimination** under programs and activities that the college sponsors or promotes (see Title VI and Title IX). The federal government currently enforces these laws through the U.S. Department of Education's Office for Civil Rights.

The College's requirement to comply with these laws is consistent with its wholehearted and longstanding commitment to diversity, equity, and inclusion. These values are essential to serving our community and achieving the College's mission and they remain a priority. The College has developed this institutional guidance and checklist to facilitate compliance with civil rights laws and to safeguard and support our commitment to diversity, equity, and inclusion in all College-sponsored or promoted programs and activities.

Scope

The regulatory phrase "programs and activities" broadly covers the operations and activities of the College. This checklist is primarily designed to apply to College programs and activities such as recognized groups, fellowships, funds, endowments, prizes, unit or departmental events, and ceremonies. Academic programs that have a secondary admission process should also use this checklist to help ensure their process is in alignment with our commitment. It also may be applicable to College contracts, partnerships, or sponsorships with external entities. Please consult with Student Affairs if you have questions.

In addition, specific and additional considerations apply to financial aid, scholarships, housing, and hiring/employment. Please consult on these topics with the Student Affairs department. Based on recent federal agency enforcement action, this checklist focuses on the protected classes of race and sex. For questions about other legally protected classes or groups, please consult the Student Affairs Department.

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Applicability

This guidance applies to College-sponsored or promoted programs and activities. The administrator or organizing unit responsible for the program or activity is accountable for reviewing and following the checklist to ensure compliance with applicable civil rights laws. This includes, but is not limited to employees and recognized student organizations who are initiating, coordinating, or overseeing such efforts.

It also applies when the College partners with external organizations through contracts, sponsorships, or collaborative initiatives. In these cases, the responsible College administrator must ensure that the collaboration aligns with this guidance and the College's commitment to equity and inclusion.

This tool is not an exhaustive list of all compliance requirements, but a starting point to help you identify obligations and connect with the right offices and resources when questions arise.

Checklist

Question 1

Is eligibility to join or apply **limited** by:

- Race, color, national origin, or shared ancestry?
- Sex, gender identity or expression, pregnancy, or sexual orientation?

Eligibility is not based on sex or race

Limiting eligibility to a cohort that is not legally protected is permissible (e.g., "first generation," "low income," "economically disadvantaged") as long as it is not a proxy for race or sex.

In rare instances, a potential limited exception may exist for explicit, mandatory requirements in a controlling statute, regulation, contract, or grant. If such requirements appear to direct that eligibility be limited by race or sex, contact Student Affairs. Please note that any College resources utilized in the program or activity may need to be available to all.

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Question 2

Is **race or sex used** as selection or decision-making criteria?

Race or sex is not used as selection or decision-making criteria

Programs and activities cannot rely on personal identity (i.e, the sex or race of a particular individual) as a qualification or selection criteria for an opportunity, or as a factor in decision-making. Document selection and decision-making processes to ensure consistency and transparency.

Question 3

Are communications designed to be clear that the opportunity is open to all protected classes (although it may be restricted in other ways)? Communications include the name and/or description of the program or activity, website design and content, promotion, advertisement, and outreach about the opportunity.

Communications demonstrate opportunity is open to all protected classes even if the opportunity is restricted in other ways. Examples of “open to all” language are provided in the FAQ below.

The program or activity may have a stated focus or goal, as long as it is clear through both language and actions that the opportunity is open to all. Ensure that the goal is articulated accurately and specifically and the references to “open to all” are prominent. Use the examples provided below to review and assess each particular program or activity. A program or activity may have focused outreach efforts in addition to those that are widespread, so long as the program or activity is clearly open and welcoming to all without regard to race or sex, and is advertised as such.

Question 4

Do the actions of the program or activity demonstrate the opportunity is open to all protected classes?

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Actions demonstrate the opportunity is open to all

Examples of “open to all” language and actions can be found in the FAQ below.

Programs and activities may not treat individuals differently or preferentially or create hostile environments based on race or sex, which may include a pattern of engaging in stereotyping or excluding or discouraging individuals from applying or participating.

FAQ

What are some examples of "open to all" statements and actions?

The following are examples of programs and activities with “open to all” protected classes statements. Each statement is then assessed to illustrate the impact and importance of communications, including program name, and to highlight related actions that help demonstrate inclusivity.

“This opportunity is open to all eligible persons regardless of race, sex or other identity.”

Offers a clear statement of “open to all” to confirm no one is excluded. The unit establishes and documents a consistent process for selection that is not based on protected class.

“This event is open to all first-generation students, with a goal of learning about the first-generation student experience.”

Combines open-to-all language with a specific goal of learning about the experiences of first-generation students, a group not defined by protected class.

“Open to all students, the Opportunities in STEM Program is committed to broadening and enhancing access for all students, including women and people of color, who wish to pursue careers in engineering and computer science.”

The name highlights the goal of access in the context of a program that is open to all. In addition to general marketing, the program actively recruits women and persons of color to apply but does not use race as either eligibility or selection criteria. Because communications about the goal and the group are inclusive of all, the reference to sex and race in the description is not exclusionary.

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"The Prism Fellowship recognizes that diverse perspectives are essential for advancing knowledge and creating a more equitable world. It is open to all graduate students whose research critically engages with issues of race, ethnicity, indigeneity, power, and social justice, with a particular emphasis on amplifying BIPOC voices and experiences."

The name is non-specific and inclusive, and the purpose highlights the importance of differing perspectives within a focused area of scholarship. Though the research topic emphasizes BIPOC voices, graduate students of any race are invited to apply. The fellowship is committed to inclusivity and a review of past recipients confirms the fellowship's broad reach.

"Bridges: A Space for Jewish Connection and Understanding" is open to all and aims to create a "welcoming and inclusive space for Jewish students and others interested in fostering community, deepening understanding of Jewish culture and traditions, and building bridges of respect and solidarity across diverse backgrounds."

The name and communications accurately describe the goal. The reference to shared ancestry is not exclusionary because the description of the goal references engagement with others. The group develops norms for participation that promote respectful interaction and dialogue.

"The Asian Pacific Islanders Employee Affinity Group's mission is to foster a sense of community in the workplace where all employees feel seen, heard, and valued, and where API voices are amplified and contribute to the institution's success. We welcome employees of all backgrounds, ethnicities, and identities who are interested in learning about API culture and supporting API employees."

Though the name references a specific protected class identity, the prominent mention of the mission that focuses on inclusivity and the explicit welcome to all employees help demonstrate that the group is open to all. API employees and those who support them attend meetings regularly to connect, build relationships, and enjoy cultural celebrations.

What are college programs and activities under Title VI and Title IX?

Title VI and Title IX define "program and activity" broadly, encompassing all the operations of a college, university, or other postsecondary institution. (42 U.S.C. § 2000d-4a(2); 20 U.S.C. § 1687.)

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Some college programs and activities have additional or specific considerations not covered in the checklist and it does not apply to those. Please consult as needed with Student Affairs.

How does the checklist cover athletics?

The checklist does not cover intercollegiate athletics. Title IX allows for gender-segregated athletic programs. However, Colleges must provide equitable opportunities for participation, including resources like equipment, facilities, coaching, and travel.

How does the checklist apply to academic course content or class assignments?

The checklist does not apply to classroom-based instruction. Colleges may offer courses that focus on race or sex. However, instructors may use the checklist to ensure that the criteria for selecting students for class opportunities, projects, or coursework (e.g. participation in discussion groups, readings, labs, field research) are not based on protected class.

How does the checklist apply to college sponsored public events involving invited speakers where a speaker's viewpoint may be considered hostile or offensive?

This is a complex area involving freedom of speech and civil rights compliance. Freedom of speech generally protects a speaker's message, even if controversial or offensive. However, organizing an event or a group that excludes individuals based on protected classes is not protected. Colleges must allow protected free speech while taking all necessary steps to maintain an atmosphere that is non-discriminatory. Consult Student Affairs for guidance.

How does the checklist apply to the posting of external scholarships or the promotion of external programs and activities?

Government enforcement agencies maintain that College and colleges may not advertise third-party scholarships or opportunities that limit applicants or participation based on race or sex. This is a developing legal and compliance area.

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Can a program or activity collect demographic data from applicants or participants?

Yes, the College can collect demographic data for legitimate purposes, such as mandatory reporting or program evaluation. However, data collection must be ethical, voluntary, and respect privacy. Before requesting that an applicant or participant provide demographic information based on protected class (even if optional), the program or activity should be aware of the College's policies, have a clear rationale for such data collection, and a plan for how to collect and use the information. Demographic data based on protected classes (e.g., race or sex) that is collected must be retained separately from any selection or decision-making processes.

Internal Checklist available.

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(Adapted from Columbia Basin College Checklist in response to the U.S. Department of Justice "Memo from Attorney General Bondi: Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination")