

INFORMATION FOR PERSONS PARTICIPATING IN OCR INVESTIGATIONS

The U.S. Department of Education, Office for Civil Rights (OCR), is responsible for enforcing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act, which prohibit discrimination based on race, color, national origin, disability, sex, and age. OCR is also responsible for enforcing the Boy Scouts of America Equal Access Act.

You have been identified as an individual who may have information relevant to a case OCR is investigating. Prior to initiating the substantive interview with you, OCR will provide you with the following information:

1. A general explanation of the purpose of the interview, including OCR's role, what law or laws may be pertinent to the investigation, and where appropriate, a brief explanation of what is under investigation.
2. A general explanation of the potential uses of information that OCR obtains during the interview. This explanation will include information about the Freedom of Information Act.
3. Notice that you have the right to personal representation during the interview by a person of your choice.
4. If you are an employee of the district or university being investigated, you may refuse to have anyone else present during the interview. However, if you are upper level management, in most cases, the district or university's counsel will be allowed to be present during your interview.
5. Notice that you have the right to refuse to reveal the content of an interview.
6. Notice of the regulatory provisions prohibiting intimidation or retaliation by a district or college for your participation in the interview.

Interviews will be conducted under circumstances that assure privacy. The OCR interviewer will notify you if a tape recording is used, and tape recording will be done only with your consent.

A district or university may not intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone who has either taken action or participated in an action to secure rights protected by the civil rights statutes enforced by OCR. If you believe that you are being retaliated against or intimidated because of the filing of a complaint, participation in an interview, or participation in the resolution of a complaint, you may file a complaint alleging such harassment or intimidation with OCR.

Any individual who will need accommodations for a disability in order to participate in the interview should notify the regional office that contacted you as a potential witness as far in advance of the interview as possible.

For further information about OCR, please visit our website at: <http://www.ed.gov/ocr/>.