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Beyond Title IX: Auditing Civil Rights Infrastructure in Higher Education

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Civil rights compliance in higher education is often organized as a collection of separate legal obligations and administrative functions. Title IX may sit in one office. Title VI responsibilities may be assigned elsewhere. Disability compliance may involve Accessibility Services, Human Resources, Information Technology, Facilities, and Academic Affairs. Complaints involving employees may move through Human Resources, while student matters may be addressed through student conduct.

That structure may make operational sense. From an internal audit perspective, however, it can obscure a larger question: Does the institution have a functioning civil rights infrastructure through which discrimination, discriminatory harassment, retaliation, and accessibility concerns may be reported?

Civil rights infrastructure is not a term of art in federal law. It is a useful way to describe the institutional system through which civil rights obligations are assigned, communicated, implemented, documented, monitored, and escalated. It includes governance, policies, reporting channels, complaint processes, data, training, third-party oversight, management reporting, and regulatory change management.

For internal audit, examining that infrastructure may reveal risks that a narrow review of any single policy or compliance office would miss.

Civil Rights Compliance Is an Enterprise Process

Civil rights compliance does not belong exclusively to a civil rights office. The underlying risks exist throughout the university. Financial aid may publish scholarship opportunities. Academic departments establish program requirements. Student Affairs manages organizations, events, and conduct processes. Human Resources oversees employment practices and complaints. Information Technology and Procurement acquire digital products and services that may carry accessibility obligations. Athletics, Campus Safety/Campus Police and individual schools or colleges operate within their own regulatory environments.

Each area may function appropriately on its own while gaps remain between them. That is where internal audit can add value. The objective is not to determine whether every institutional decision complies with every civil rights law. Internal auditors do not need to become Title IX coordinators, civil rights investigators, or legal counsel. They can, however, determine whether the institution has controls capable of recognizing civil rights risk, assigning responsibility,

moving information to the right people, and documenting what happened. Seven areas deserve particular attention.

1. Governance and Accountability

Every significant civil rights obligation should have identifiable institutional ownership. Internal audit should test more than whether a person or office is named in policy. Who has authority to require corrective action? What matters must be escalated? What reaches executive leadership or the governing board? Who assumes responsibility when a matter crosses organizational boundaries?

A university may have clearly defined Title IX leadership, but less clarity about responsibility for other forms of discrimination or accessibility compliance. In decentralized institutions, several offices may reasonably share the responsibility. The control objective is not organizational uniformity; it is gap-free accountability.

2. Intake and Routing

Universities rarely have one reporting system. A concern may first reach student conduct, Human Resources, Campus Safety, a dean, an ethics hotline, Disability Services, a department chair, or a civil rights office. That creates an important control risk: The institution may receive information about a potential incident without the office responsible for evaluating its civil rights implications being informed.

Internal audit can map major intake channels and follow a sample of reports through the system. Are employees expected to recognize concerns that may require referral? Are referrals documented? Are handoffs tracked? Does responsibility clearly transfer from one office to another? When multiple offices remain involved, are their respective responsibilities understood?

A reporting channel is not an effective control simply because it exists. The control is effective only if information reaches the people responsible for acting on it.

3. Data and Reconciliation

Civil rights compliance increasingly depends on an institution's ability to understand what is happening across multiple systems. That requires reliable data. Depending on institutional structure and legal requirements, management may need information concerning allegation type, reporting channel, respondent affiliation, organizational unit, status, outcome, timeliness, recurring locations or programs, and remedial action.

The goal is not to create the largest possible database. It is to determine whether management can answer basic risk questions using information the institution already possesses. Fragmented data can prevent an institution from recognizing patterns that no single office can see on its own.

Internal audit can test this by selecting matters from different reporting channels and following them through the institution. Do they appear in the appropriate system? Are classifications

consistent? Is disposition information complete? Can management reports be reconciled to underlying records?

4. The Compliance Perimeter

Some civil rights risks originate well outside the office responsible for compliance. Scholarships, internships, academic opportunities, external partnerships, camps, vendors, digital platforms, and other decentralized activities may all implicate civil rights requirements.

Internal audit should ask whether the institution has identified this broader compliance perimeter. Who reviews eligibility requirements for new programs or opportunities? Who reviews external partnerships? Do technology procurement processes incorporate applicable accessibility requirements? Are exceptions documented? Can a department establish a new program without anyone considering whether civil rights obligations are implicated?

Third-party involvement does not necessarily move risk outside the institution's control environment.

The audit question is whether the institution has controls at the points where decentralized activity can create enterprise-level compliance exposure.

5. Complaint Resolution and Remediation

Internal auditors should distinguish between processing a case and managing institutional risk. A complaint may be administratively closed, referred to another office, or resolved through a conduct or employment process. That does not necessarily mean every institutional issue associated with the matter has been resolved.

Internal audit should not second-guess legal conclusions or credibility determinations, but it can test the process surrounding them. Was jurisdiction assessed consistently? Was the matter routed correctly? Were required steps completed? Were conflicts addressed? Was the outcome documented? Were remedial or corrective actions assigned? Was completion verified?

The last question is especially important. A recommendation is not a completed control. A corrective action that appears in a report but is never implemented does not reduce institutional risk.

6. Documentation and Evidence

Civil rights programs may have strong policies but weak evidence that required controls are actually operated. Internal auditors know this distinction well.

- A policy requiring training is not evidence that training occurred.
- A procedure requiring review is not evidence that the review took place.
- A committee assigned oversight responsibility is not evidence that concerns were escalated or corrective action occurred.

- A management report is not reliable simply because it contains numbers.

Testing should focus on evidence: source records, reconciliations, approvals, referral documentation, exception logs, training completion records, corrective-action tracking, committee records, and evidence of follow-up.

This is where the role of internal audit should remain especially clear: Compliance owns the requirement. Management owns the controls. Internal audit tests whether those controls are appropriately designed and operating as represented. This is what ensures defensibility.

7. Regulatory Change Management

Civil rights requirements continue to evolve, as do institutional structures, technology, and operating practices. An effective compliance environment therefore needs a method for translating legal and regulatory developments into operational change.

Internal audit can examine whether that process answers several basic questions. What changed? Which policies, systems, contracts, or practices are affected? Who owns implementation? How will the institution verify that implementation occurred? How will leadership know when the work is complete?

A legal update circulated by email is not a control. The control is the process that converts the update into documented institutional action. This is particularly important when a regulatory change affects several areas of the institution at once. Without defined ownership and follow-through, implementation can become inconsistent across schools, campuses, or administrative units.

Five Questions to Start the Audit

A civil rights infrastructure review does not need to begin as a comprehensive legal compliance audit. Internal audit can start with five questions:

1. Who owns each major civil rights compliance responsibility, and is that responsibility documented?
2. Can the institution identify the primary channels through which discrimination, discriminatory harassment, retaliation, and accessibility concerns may be reported?
3. Are there controls ensuring that concerns reach the appropriate compliance function regardless of where they are first reported?
4. Can management reports concerning civil rights activity be reconciled to reliable underlying records?
5. Does the institution have a documented process for converting changes in law, regulation, and institutional requirements into operational action?

The answers may tell an audit committee considerably more about civil rights risk than confirming that required policies are posted on a website.

The Opportunity for Internal Audit

Civil rights matters are legally complex, operationally significant, and frequently sensitive. That can make Internal Audit understandably cautious about entering this area. But internal auditors do not need to decide the law to audit the infrastructure supporting compliance.

Governance, data integrity, referral processes, documentation, third-party controls, corrective-action tracking, and regulatory change management are all auditable. One could argue that the increasing complexity of civil rights compliance makes independent assurance over those processes more important, not less.

The most useful question for internal audit may therefore be broader than whether an institution's Title IX policy or other civil rights procedure is technically correct on paper. If a civil rights risk emerged somewhere in the institution tomorrow, would the college or university's infrastructure reliably identify, route, evaluate, address, and document the risk and tell leadership what it needed to know? If the answer depends on which office happens to receive the information first, the institution may have policies. It may not yet have infrastructure.

About the Author

Adrienne Meador Murray serves as Vice President for Equity Compliance & Civil Rights Services at D. Stafford & Associates, a higher education consulting firm. She has more than 25 years of higher education experience spanning civil rights compliance, Title IX and Title VI, campus public safety, emergency management, and institutional leadership. She teaches national Title IX and Title VI coordinator and investigator programs and works with institutions on civil rights compliance, including policy construction, investigations, and best practice institutional response.