

EQUAL EDUCATIONAL OPPORTUNITIES

FILE: JB

TITLE: **Nondiscriminatory Admission of Students**

POLICY:

The School Board of Orange County, Florida ("Board") shall admit students to district schools and programs without regard to race, color, religion, age, sex, national origin, marital status, disability, sexual orientation, genetic information, gender identity or expression, language spoken, homelessness, or any other reason prohibited by law.

SPECIFIC AUTHORITY: Sections 760.01; 1000.05; 1001.41; 1001.43; 1002.20; and 1003.21, Florida Statutes

20 U.S.C. Sections 1681-1688, as amended
42 U.S.C. Sections 2000d, as amended
42 U.S.C. Section 12132, as amended

TITLE: **Nondiscrimination/Respect for the Individual**

POLICY:

All students attending school in the Orange County Public Schools ("OCPS") district shall be treated according to a unitary code which applies equally, regardless of race, color, religion, age, sex, national origin, marital status, disability, sexual orientation, genetic information, gender identity or expression, language spoken, homelessness, or any other reason prohibited by law.

- (1) All activities, curricular and extracurricular, which are sponsored by OCPS shall evidence respect for the individual student. Every reasonable attempt shall be made to ensure that activities do not disparage or offend any student because of race, color, religion, age, sex, national origin, marital status, disability, sexual orientation, gender identity or expression, genetic information, language spoken, homelessness, or any other reason prohibited by law. It is the responsibility of the school principal to monitor all school activities for compliance with this policy.
- (2) The Superintendent shall designate an OCPS Equity Officer who shall serve as the contact person in matters pertaining to this policy. The name, address, and phone number of the OCPS Equity Officer shall appear in conjunction with all notices of nondiscrimination policies.
- (3) The Superintendent shall provide a notice of nondiscrimination at each site on a bulletin board which is available to students, employees, applicants, and the general public. The notice shall also be included in applicable OCPS publications and shall include the name, address, and phone number of the OCPS Equity Officer.

SPECIFIC AUTHORITY: Sections 760.01; 1000.05; 1001.41; 1001.43; 1002.20; 1003.21; and 1012.23, Florida Statutes

20 U.S.C. Sections 1681-1688, as amended

42 U.S.C. Sections 2000d, as amended
42 U.S.C. Section 12132, as amended

TITLE: **Title IX Compliance**

POLICY:

OCPS does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX of the Education Amendments of 1972 ("Title IX") and its regulations, including in admission and employment.

- (1) OCPS has implemented Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in OCPS education programs or activities, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX.
- (2) The District Title IX Coordinator is responsible for coordinating OCPS compliance with Title IX and its regulations.
- (3) The school-based Title IX Coordinator is responsible for coordinating Title IX compliance at an assigned school.
- (4) Any person may report sexual harassment or sex discrimination, regardless of whether the reporting person is the alleged victim of the conduct. A report can be made in person, by mail, by telephone, or by electronic mail, using the contact information for the District Title IX Coordinator or school-based Title IX Coordinator. Reports may be made at any time, including during non-business hours. Any person with knowledge of sexual harassment or sex discrimination is strongly encouraged to report the incident(s).
- (5) All OCPS employees are required to, and must, report, in writing any allegations of sexual harassment or violations of this policy to the District Title IX Coordinator, school-based Title IX Coordinator, or appropriate district administrator.

SPECIFIC AUTHORITY: 34 C.F.R. Section 106

TITLE: **Student Discrimination Grievance/Complaint Procedures**

POLICY:

All students attending Orange County Public Schools ("OCPS") shall be treated according to a unitary code which applies equally, regardless of race, color, religion, age, national origin, marital status, disability, genetic information, language spoken, homelessness, or any other reason prohibited by law. This policy shall govern the process of student grievance/complaint procedures for any allegation of discrimination based on the classifications mentioned above. Students who have an allegation of discrimination should contact the OCPS Equity Officer.

- (1) Discrimination is conduct which deprives the victim of the opportunity to participate in educational programs or activities. The School Board of Orange County, Florida ("Board") or OCPS school sponsored activities, or in any other activities offered or provided by the Board on account of race, color, religion, age, sex, national origin, marital status, disability, sexual orientation, genetic information, gender identity or expression, language spoken, homelessness, or any other reason prohibited by law.
- (2) Any student who believes that he or she has been the victim of discrimination based upon any factor identified above, may and is encouraged to file a grievance/complaint with the OCPS Equity Officer or any OCPS district office or school level administrator. All such complaints must be immediately forwarded to the OCPS Equity Officer or other person who has been specifically designated to handle grievances/complaints of discrimination.
- (3) The Superintendent may identify, upon request of a complainant, a designee for the OCPS Equity Officer when in his/her judgment it is warranted. The alternate first point of contact or designee shall be the OCPS Director of Professional Standards. Should an alternate be designated to investigate a grievance/complaint, the complainant may request a review by the Superintendent.
- (4) When any OCPS district office or school level administrator learns of an alleged incident of discrimination, OCPS is obligated to investigate. All OCPS supervisors are required to report complaints in writing on the Complaint Form to the OCPS Equity Officer.
- (5) The grievance/complaint may be made orally or may be filed in writing. The complainant has sixty (60) days from the date of the incident for the initial filing of a grievance/complaint.
 - (a) If the grievance/complaint is made orally, the OCPS Equity Officer or other OCPS district office or school level administrator receiving the complaint shall record it in written form, which shall be reviewed and acknowledged by the complainant to verify its accuracy.
 - (b) A written grievance/complaint may be amended to correct technical defects, omissions, or to clarify or amplify allegations made therein. An amendment may be filed at any time before the investigation is completed.
 - (c) The grievance/complainant may withdraw a complaint at any time.
 - (d) OCPS, regardless of whether a grievance/complaint conforms to a certain format or whether or not it is committed to writing, will investigate all allegations of discrimination.
- (6) The investigator may interview the complainant to obtain any additional information needed to clarify the grievance/complaint.
- (7) The OCPS Equity Officer, at this point, may inquire of the complainant as to a possible resolution of the grievance/complaint. If the complainant is amenable to

a resolution of the grievance/complaint prior to implementation of Paragraph 10, below, the OCPS Equity Officer shall begin discussion regarding a resolution.

- (8) The investigation shall include, but not be limited to, investigating all allegations by the complainant and respondent, interviewing any witnesses, and taking statements from witnesses and other persons who may be able to provide valid and relevant information. Upon completion of the investigation, the investigator shall provide a final written disposition of the grievance/complaint containing a summary of findings.
- (9) A substantiated charge may subject such violator to disciplinary action, including, but not limited to, warning, reprimand, suspension or termination, subject to applicable procedural requirements in applicable Board policies and OCPS rules and regulations.
- (10) Retaliation against an individual for filing a grievance/complaint or against an individual providing information regarding the investigation of any grievance/complaint is prohibited.
- (11) The use of this grievance/complaint procedure shall not prohibit the complainant from seeking redress from other available state and/or federal sources.
- (12) To the extent permitted by law, confidentiality will be maintained. However, since an effective investigation requires the discussion of certain information with certain individuals, OCPS must discharge its duty to prevent and correct Discrimination.

SPECIFIC AUTHORITY:

Sections 760.01; 1000.05; 1001.41; 1001.43; 1006.07; and 1012.23, Florida Statutes

20 U.S.C. Sections 1681-1688, as amended

42 U.S.C. Sections 2000d, as amended

42 U.S.C. Section 12132, as amended

TITLE: Clery Act and Violence Against Women Act Compliance

POLICY:

It is the policy of OCPS and Orange Technical College ("OTC") to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act"), and the Violence Against Women Act ("VAWA") pursuant to 20 U.S.C. § 1092(f). The Clery Act is a consumer protection law regulated by the U.S. Department of Education that aims to create transparency between the institution and the public.

- (1) Definitions. For purposes of this policy, the following definitions shall apply:
 - (a) Administrator, Clery Act Compliance refers to the individual responsible for coordinating Orange Technical College ("OTC") Clery Act compliance to ensure administrative capability or the administrator to whom these responsibilities are assigned.

- (b) Annual Security Report (“ASR”) refers to the annual report prepared by the Administrator, Clery Act Compliance, which includes current campus security policies and campus crime statistics. OTC must publish and distribute the report to all current students and employees and to any applicant for enrollment or employment upon request.
- (c) Biennial Review examines the prior two academic years of OTC's Drug and Alcohol Abuse Policy, prevention programming, and associated training provided to the college community for all OTC locations. The evaluation aims to adhere to all Drug-Free Schools and Communities Act Amendments of 1989 (“DFSCA”) requirements set forth by the Department of Education while providing training to the college community.
- (d) The term “Campus Police” means the law enforcement agency with jurisdiction for each OTC campus.
- (e) Campus Security Authority (“CSA”) includes: (i) A campus police department or a campus security department of an institution. (ii) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department. (iii) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. (iv) An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student discipline and campus judicial proceedings.
- (f) Clery Crimes refer to criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sex offenses, including rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; arson; arrests and referrals for disciplinary actions including arrests for liquor law violations, drug law violations, and illegal weapons possession; hate crimes including larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property; and dating violence, domestic violence and stalking. All crimes are defined pursuant to 34 C.F.R. § 668.46. Clery Crimes that occur within Clery Geography must be reported to a Campus Security Authority or campus police.
- (g) Clery Geography refers to buildings and property that are part of the OTC campus, noncampus buildings and property, and public property within or immediately adjacent to and accessible from the campus. Clery Geography is defined pursuant to 34 C.F.R. § 668.46(a).
- (h) A Daily Crime Log is maintained by a CSA and documents any reported crime that occurred within OTC Clery Geography. The log must include the nature, date, time, and location of each crime; and the disposition of the complaint, if known.

- (i) The Drug-Free Schools and Communities Act Amendments of 1989 (“DFSCA”) requires institutions of higher education to provide guidelines for the college to construct, prepare, distribute, and inform the college of community information regarding drugs and alcohol. The DFSCA created the Drug and Alcohol and Prevention Program Guide (“DAAPP”), which outlines essential elements to identify harmful and illegal substances used by distributing a comprehensive policy, enforcing alcohol and other drug-related standards of conduct, and implementing strong prevention programs.
 - (j) A Hate Crime is a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and/or disability.
- (2) In compliance with the Clery Act and the Violence Against Women Act, OTC shall:
- (a) Issue emergency notifications to the campus community of any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus.
 - (b) Issue timely warnings to the campus community of Clery Crimes that pose a threat to students and employees.
 - (c) Collect reports of Clery Crimes made to campus police and CSAs. These reports are maintained with the Administrator, Clery Compliance.
 - (d) Maintain at each campus a daily crime log of all crimes that occurred within Clery geography and are reported to campus police or a CSA. All incidents are required to be entered into the Daily Crime Log within two (2) business days of receiving the report unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim. Daily Crime Log records for previous calendar years are archived and maintained with the Administrator, Clery Act Compliance. Upon request, the public can view logs during regular business hours at OCPD District Police or at any OTC campus. Requests for daily crime log entries beyond sixty (60) days shall be made available to view within two (2) business days.
 - (e) Train, and notify CSAs annually of their obligations to report all Clery Crimes to the Administrator, Clery Act Compliance.
 - (f) Promote general education awareness and prevention of dating violence, domestic violence, sexual assault, and stalking by providing primary prevention and awareness programs to all incoming students and new employees. OTC shall promote ongoing prevention and awareness campaigns for current students and employees.

- (g) Investigate allegations of dating violence, domestic violence, sexual assault and stalking utilizing the grievance process outlined in Title IX and its regulations.
- (h) Provide annual training for staff on the grievance process for investigations related to allegations of dating violence, domestic violence, sexual assault, and stalking.
- (i) Ensure the victim's personally identifiable information will not be included in any publicly available recordkeeping, including Clery Act reporting and disclosures.
- (j) Provide a Victim Rights Brochure when a student or employee reports they have been a victim of dating violence, domestic violence, sexual assault, or stalking whether the offense occurred on or off campus.
- (k) Prepare, publish, and distribute an Annual Security Report ("ASR") to all current students and employees each year. OTC shall provide notice of the availability of the report to prospective students and employees, and to any applicant for enrollment or employment upon request. The ASR shall disclose:
 - (i) Statistics of Clery Crimes data for the previous three (3) years;
 - (ii) Procedures for issuing emergency and timely warning notifications to the campus community;
 - (iii) Procedures for emergency response and evacuation;
 - (iv) Procedures for students and others to report crimes or other emergencies;
 - (v) Crime prevention, safety awareness programs, and services;
 - (vi) Clery geography and jurisdiction;
 - (vii) Security procedures in place to protect the campus community;
 - (viii) Procedures regarding the possession, use, and sale of alcoholic beverages and enforcement of state underage drinking laws.
 - (ix) Procedures regarding the possession, use, and sale of illegal drugs and enforcement of federal and state laws.
 - (x) Drug and alcohol abuse education programs;
 - (xi) Procedures and programs to prevent dating violence, domestic violence, sexual assault, and stalking;
 - (xii) Arrests and referrals for disciplinary actions for weapons, drugs and alcohol violations;

- (xiii) Sex offender registry information;
 - (xiv) Procedures for security and access to campus facilities; and
 - (xv) Law enforcement and jurisdiction.
- (l) Retain records for a period of seven (7) years. Records to be maintained include, but are not limited to, copies of crime reports, daily crime logs, arrest records, referrals for disciplinary action, timely warning and emergency notification reports, documentation, such as letters to and from local police relating to Clery Act compliance, letters to and from CSAs, correspondence with the U.S. Department of Education regarding Clery Act Compliance, and copies of notices about the availability of the Annual Security Report.
- (m) Provide the OTC Written Notification Guide to students and employees about existing resources for mental health services, counseling, medical services, victim advocacy, legal assistance, preservation of evidence, visa and immigration assistance, financial aid and other services available for victims within OTC and in the community.
- (3) Reporting Criminal Offenses. Students and employees should report criminal offenses to campus police and/or a designated CSA.
- (a) To report a crime or emergency, members of the community have the following options:
- (i) Call 9-1-1 for any situation that requires immediate police, fire, or medical response; or
 - (ii) Contact campus police, a designated CSA, OCPS District Police at 407-317-3333, report a crime anonymously by calling CRIMELINE at 800-423-TIPS (8477), or utilize the FortifyFL Suspicious Activity Reporting App.

SPECIFIC AUTHORITY:

34 CFR § 668.46;

The Drug-Free Schools and Communities Act Amendments of 1989;

Higher Education Act of 1965 (HEA) (20 U.S.C. § 1011(i));

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. § 1092(f));

Violence Against Women Reauthorization Act of 2013 (VAWA).

ADOPTED: 03/09/2004

REVISED: 01/17/2012; 12/11/2012; 8/11/2017; 9/25/2018; 8/11/2020; 7/30/2024