



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T10
ATLANTA, GA 30303-8927

REGION IV

ALABAMA
FLORIDA
GEORGIA
TENNESSEE

September 20, 2018

Via U.S.P.S. Mail

Dr. Barbara Jenkins
Superintendent
Orange County Public Schools
445 W. Amelia Street
Orlando, Florida 32801

RE: OCR Complaint No. 04-18-2204
Resolution Letter

Dear Dr. Jenkins,

This letter is to advise you that the Office for Civil Rights (OCR) of the U.S. Department of Education (the Department) has reached a resolution of the above-referenced complaint received on April 12, 2018 against the Orange County School District (District) alleging discrimination on the basis of sex. Specifically, the Complainant alleged that the District discriminated against her based on sex while she was a student enrolled at the XXXXXX XXXXXXXXXX College (College) in the XXXXXXXX XXXXXXXX program (Program), during the 2017-2018 school year. The Complainant alleged that the College discriminated against her by failing to appropriately respond to her repeated complaints about being harassed by a male employee (Employee) in the Program. Additionally, the Complainant alleged that after she made complaints to the faculty and administration about the alleged harassment, she experienced retaliation in the classroom and later when she attempted to take classes at XXXXXXXX XXXXXXXXX.

OCR enforces Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any program or activity receiving Federal financial assistance from the Department. The laws enforced by OCR prohibit retaliation against any individual who asserts rights or privileges under these laws or who files a complaint, testifies, assists, or participates in a proceeding under these laws. Accordingly, OCR has jurisdiction.

OCR opened the following issues for investigation.

- Whether the District failed to appropriately respond to the Complainant's complaints about harassment of a sexually suggestive nature by the Employee thereby creating a hostile environment in noncompliance with the Title IX implementing regulation at 34 C.F.R. § 106.31.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Whether the District retaliated against the Complainant for making complaints about the Employee by continuing the harassment and informing the XXXXX XXXXXX instructor that the Complainant had not finished work she claimed that she had, in fact, completed, in noncompliance with the Title IX implementing regulation at 34 C.F.R. § 106.71.

The Title IX implementing regulation at 34 CFR § 106.31 provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives Federal financial assistance from the Department. The Title IX regulation, at 34 C.F.R. § 106.71, which incorporates the procedural provisions of the regulation implementing Title VI of the Civil Rights Act of 1964, prohibits retaliation against any individual who asserts rights or privileges under Title IX or who files a complaint, testifies, assists, or participates in a proceeding under Title IX.

Prior to the conclusion of OCR's investigation, the District expressed interest in a voluntary resolution pursuant OCR's Case Processing Manual at Section 302. On August 24, 2018, the District's Associate Superintendent signed the Resolution Agreement (Agreement) (see attached) which was submitted to OCR on August 28, 2018.

The provisions of the Agreement are aligned with the complaint allegations, the information obtained during the investigation, and consistent with applicable regulations. When fully implemented, the Agreement will resolve the allegations raised in this complaint. The District agreed to work with the Complainant to determine what coursework was left for her to complete, allow her to finish the program at a XXXXXXXXXXX XXXXXX XXXXXXXXXXX, and receive a XXXXXXXXXXXXXX XXXXXXXXXXX XXX the remaining tuition and fees. The District also agreed to Title IX training. OCR will monitor the District's implementation of the Agreement until the District is in compliance with the statutes and regulations at issue in the case.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent possible, any personally identifiable information, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. No recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

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Orange County School District

This concludes OCR's investigation of this complaint. We appreciate the District's cooperation in the resolution of this matter. If you have any questions, please contact Miyong Loughlin, the OCR attorney assigned to this complaint, at 404-974-9444, or Compliance Team Leader, Arthur Manigault at 404-974-9376.

Sincerely,

Melanie Velez
Atlanta Office Director

Enclosure

cc: XX. XXXX XXXXXXXXXXXX
Attorney for the District
Orange County School District
Via Email Only