

## **NOTIFICATIONS OF NONDISCRIMINATION** **(For Section A of the Civil Rights Compliance Plan)**

*Please note four (4) points are addressed on this page!*

### **#1 ANNUAL PUBLIC NOTICE of NONDISCRIMINATION**

Annually, subrecipients of federal vocational funds must publically notify students, parents, employees and the general public of the clusters of career and technical education (CTE) opportunities available regardless of race, color, national origin, sex, disability or age. The announcement may be made in local newspapers, recipient publications and/or other media that reach the general public program beneficiaries, minorities with limited English language proficiency and disabled persons. A brief summary of program offerings (clusters) and admission criteria should be included in the announcement along with the *title\**, address and telephone number of the person designated to coordinate Title IX and Section 504/ADA Title II compliance activities.

If a recipient's service area contains a community of national origin minority persons with limited English language proficiency, public notification materials must be disseminated to that community in its language and must state that recipients will take steps to assure that the lack of English-language proficiency will not be a barrier to admission and participation in CTE programs.

### **#2 CONTINUOUS NOTICE of NONDISCRIMINATION for all Documents Except Brochures**

#### **Examples for Secondary Institutions:**

(To be prominently placed on the website and included in general brochures, internal job postings, job applications, student and employee handbooks, letters to parents, and other publications that reach appropriate persons, union or professional organizations and sources of referrals for applicants).

The \_\_\_\_\_ School District does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs or activities and provides equal access to the Boy Scouts and other designated youth groups. Inquiries may be directed to the Title IX Coordinator or the Section 504/ADA Title II Coordinator at 1234 Market Street, Averagetown, MO 65000 or 123-456-7890.\*

\*Contact information must include the coordinator(s)' title, street address (not post office box), telephone number and email address if appropriate.

### **#3 CONTINUOUS NOTICE of NONDISCRIMINATION for Program Brochures**

For somewhat limited space such as program brochures, use: The \_\_\_\_\_ School District does not discriminate on the basis of race, color, national origin, sex, disability or age in its programs or activities. (No contact needed.)

### **#4 CONTINUOUS NOTICE of NONDISCRIMINATION for Classified Advertisements**

For very limited space in classified advertisements, the abbreviation "EOE" can be used. (Keep a sample the newspaper advertisement in the OCR file).

**Note for Postsecondary Institutions: The reference to the Boy Scouts and other designated youth groups does not have to be included.**

## **TITLE IX**

### **§106.9 Dissemination of policy**

Each recipient shall implement specific and continuing steps to notify:

- applicants for admission and employment,
- students and parents of elementary and secondary school students,
- employees and sources of referral of applicants for admission, and
- employment and all unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of sex in the educational programs or activities which it operates; and that is required by Title IX not to discriminate in such a manner.

Policies shall contain such information and be made in a manner as the Assistant Secretary finds necessary to apprise persons of the protections against discrimination assured them by Title IX. Such notifications shall state at least that the recipient not discriminate in its educational programs and activities, employment and admission thereto unless Subpart C does not apply to the recipient.

Inquiries concerning the application of Title IX may be referred to the employee designated pursuant to §108.8 or to the Assistant Secretary.

\* The original legislation required the *name* of the coordinator(s). For several reasons, subrecipients can publish titles rather than names.

## **SECTION 504/ADA Title II**

### **§104.8 Notice**

- (a) A recipient that employs 15 or more persons shall take appropriate initial and continuing steps to notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of a disability. The notification shall state, where appropriate, that the recipient does not discriminate in admission or access to, or treatment or employment in, its programs and activities. The notification shall also include the identification of the responsible employee designated pursuant to §104.7(a). A recipient shall make the initial notification required by this paragraph within 90 days of the effective date of this part. Methods of initial and continuing notification may include the posting of notices, publication in newspapers and magazines, placement of notices in recipient's publications, and distribution of memoranda and other written communications.
- (b) If a recipient publishes or uses recruitment materials or publications containing general information that it makes available to participants, beneficiaries, applicants or employees, it shall include in those materials or publications a statement of the policy described in paragraph (a) of this section. A recipient may meet the requirement of this paragraph either by including appropriate inserts in existing materials and publications or by revising and reprinting the materials and publications.

## Questions and Answers

**Q: *What is a policy of nondiscrimination?***

A: Essentially, it is a guarantee on the LEA's behalf that students and employees will be treated fairly. It is also a promise that complaints alleging unfair treatment will be given due process as required by Title VI, Title IX and Section 504/ADA Title II. If an employee or student alleges harassment or discrimination, the institution's grievance procedure and appropriate forms they must complete will be available to them. *It is recommended that the superintendent/director not be the Title IX or Section 504/ADA Title II Coordinator.* This position should serve as the final authority before the complainant seeks private counsel or contacts the regional OCR office.

**Q: *Why must a policy of nondiscrimination be publicized?***

A: Title IX and Section 504/ADA Title II require that LEAs continually notify certain persons of their policy of nondiscrimination as well as the Title IX and Section 504/ADA Title II coordinators' *titles*, addresses and telephone numbers (and possibly email addresses). Although Title VI does not require the appointment of a Title VI coordinator and continual notification of nondiscrimination, it does require educational institutions apprise the "certain persons" of Title VI and its protections against discrimination.

**Q: *Who are the "certain persons" who must be continually notified of the policy of nondiscrimination?***

A: You must continually notify employees and beneficiaries, participants and students of all programs and activities. Additionally, parents, applicants for any education programs, applicants for employment, sources used to recruit applicants, and union and professional organizations holding collective bargaining or professional agreements with your institution must be continually notified of your policy of nondiscrimination.

**Q: *How should we notify these persons?***

A: Title IX and Section 504/ADA Title II state that you must prominently include your policy of nondiscrimination in each announcement, bulletin, catalog, application form, brochure and other materials or publications that are distributed to those persons mentioned above. This means the policy statement must be clearly visible.

**Q: *Can this requirement be fulfilled by including a brief policy on all materials that states, "We are an equal opportunity education institution"?***

A: No, the full policy, including the *titles*, addresses and telephone numbers (and email addresses) of the civil rights coordinator(s) must be stated. However, when advertising for job applicants in journals, news-papers or other publications that charge a fee for advertising, the policy may be shortened to equal opportunity employer" or "EOE" or "female/minority/disabled applicants welcome" or any other statement that reflects equal opportunity employment practices.

**Q: *Must a brief policy such as “equal opportunity education institution” be printed on school stationery?***

A: Some institutions include a brief equal opportunity statement on the lower or upper part of their stationery as a goodwill gesture, but the laws do not require the use of these statements. The sentence which includes race, color, national origin, sex, disability or age can be used.

**Q: *Should each and every letter and print material prominently include the policy of nondiscrimination?***

A: Your policy must be included in almost everything printed in quantity, which will be disseminated on an annual or periodic basis to the persons mentioned above. It is not necessary, however, to include on routine letters or announcements, which are printed and distributed daily or weekly.

The best way to insure adequate publication of your policy is to ask, “Will this (item) be disseminated to all students, parents, participants, applicants of educational programs, job applicants, sources of referrals for applicants, employees, union or professional organizations?” If the answer is “yes”, include the policy. For example, one school district includes its policy on monthly lunch menus, as well as other print items because lunch menus are disseminated to all students and employees.

**Q: *Is there a standard format for writing a policy of nondiscrimination?***

A: No, the laws merely require a statement of the LEA’s nondiscrimination practices and policies on the basis of race, color, national origin, sex, disability or age in compliance with Title VI, Title IX and Section 504/ADA Title II, and an identification of the employee(s) designated as Title IX and Section 504/ADA Title II coordinators.

**Q: *What do the Office of Civil Rights (OCR) Guidelines require?***

A: The OCR Guidelines require area career and technical education centers, **community colleges, higher education institutions, and school districts** which solicit and select applicants for admissions into secondary, postsecondary and adult CTE programs to annually announce a summary of its CTE program offerings, its admission criteria, its policy of nondiscrimination, and its Title IX and Section 504/ADA Title II coordinators’ *titles*, addresses and telephone numbers. The announcement must be made in local newspapers or promotional materials disseminated to potential students, their parents/guardians and the general public.

**Q: *Can we add more?***

A: Yes, however keep in mind that other categories of individuals are not protected based on law. The following can be added as a service. For information regarding services, activities and facilities that are accessible to and useable by disabled persons, contact the Support Programs Coordinator at (123) 456-7890. This is recommended but not required. Section 504/ADA Title II requires an institution to inform potential students or employees, enrolled students and their parents, and present employees of the existence and location of services, programs, activities, and facilities that are accessible to and usable by mentally and physically disabled persons. Including this sentence in a policy of nondiscrimination is one method of complying with the requirement but not necessarily the only method. Other methods can and should be used.