



Blue Mountain Community College *Administrative Procedure*

Procedure Title: Non-Discrimination
Procedure Number: 03-2003-0014
Board Policy Reference: IV.B.

Accountable Administrator: President
Position responsible for updating: Chief Human Resources Officer
Original Date: January 1992
Date Approved by College Planning Council: 10-27-21
Authorizing Signature: *Signed original on file*
Dated: 10-27-21
Date Posted on Web: 10-29-21
Revised: 10-2021
Reviewed: 10-21

The College prohibits discrimination and harassment on any basis protected by law, including but not limited to an individual's perceived or actual race¹, color, national or ethnic origin, religion, sex, age, mental or physical disability, pregnancy, familial status, economic status, veterans' status, sexual orientation, gender identity or marital status, or because of the perceived or actual race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, marital status, age, mental or physical disability, pregnancy, familial status, economic status, veterans' status of any other persons with whom the individual associates. This policy prevails in matters concerning staff, students, the public, educational programs and services and individuals with whom the College does business.

The College prohibits discrimination and harassment, whether intended or unintended, in, but not limited to, employment, assignment and promotion of personnel; admissions; educational opportunities and services offered students, including housing and financial assistance; student assignment to classes; student discipline; location and use of facilities; educational offerings and materials; and accommodating the public at public meetings.

The Board directs the President and designees to develop policies and procedures to accomplish these purposes, and to do so by involving staff in their development, to announce them generally to staff and public, and to provide for their implementation.

The President shall appoint individuals at the College to contact on issues concerning the Americans with Disabilities Act and the Americans with Disabilities Act Amendments Act (ADA), Section 504 of the Rehabilitation Act, Title VI, Title VII, Title IX and other civil rights or discrimination issues, and notify students and staff with their names, office addresses, and phone numbers.

The College will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public.

The College prohibits retaliation and discrimination against an individual who has opposed any discrimination act or practice; because that person has filed a charge, testified, assisted or participated in an investigation, proceeding or hearing; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under state and federal law.

Reporting

Complaints regarding discrimination or harassment on any basis protected by law shall be processed in accordance with the following procedures:

Step 1 Complaints may be oral or in writing and must be filed with the Chief Human Resources Officer (compliance officer). Any staff member that receives a written or oral complaint shall report the complaint to the Chief Human Resources Officer.

The Chief Human Resources Officer shall investigate and determine the action to be taken, if any, and reply in writing to the complainant within ten (10) business days of receipt of the complaint.

Step 2 If the complainant wishes to appeal the decision of the compliance officer, the complainant may submit a written appeal to the President or their designee within five (5) business days after receipt of the compliance officer's response to the complaint.

The President or designee shall review the compliance officer's decision within five (5) business days and may meet with all parties involved. The President or designee will review the merits of the complaint and the compliance officer's decision. The President or designee will respond in writing to the complaint within ten (10) business days.

Step 3 If a complainant is not satisfied with the decision of the President or designee, a written appeal may be filed with the Board within five (5) business days of receipt of the President's or designee's response in Step II. The Board may decide to hear or deny the request for appeal at a Board meeting. The Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will include the legal basis for the decision, findings of fact and conclusions of law. A copy of the Board's decision shall be sent to the complainant in writing within ten (10) days of this meeting.

If the compliance officer is the subject of the complaint, the individual may file a complaint with the President or designee. If the President or designee is the subject of the complaint, the complaint may be filed with the Board Chair. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or as individual Board members may be filed with the Board Chair and may be referred to legal counsel. Complaints against the Board Chair may be made directly to the Board Vice Chair.

Timelines may be extended based upon mutual consent of the College and the complainant in writing.

If the complainant is not satisfied after exhausting local complaint procedures the complainant may appeal in writing to the Higher Education Coordinating Commission (HECC) pursuant to Oregon Administrative Rule (OAR) 715-011-0080.

Direct complaints related to education programs and services may be made to the U.S. Department of Education, Office for Civil Rights.

Direct Complaints related to employment may be filed with the Oregon Bureau of Labor and Industries, Civil Rights Division, or the U.S. Department of Labor, Equal Employment Opportunities Commission.

Legal Reference(s):

ORS 166.065	ORS 659.850	ORS 659A.233
ORS 174.100	ORS 659.852	ORS 659A.236
ORS 192.630	ORS 659.855	ORS 659A.300
ORS 341.009(6)	ORS 659A.003	ORS 659A.309
ORS 341.290(1),(2),(7),(8)	ORS 659A.006	
ORS 341.450	ORS 659A.009	OAR 589-006-0050
ORS 341.481	ORS 659A.029	OAR 589-008-0100
ORS 341.487	ORS 659A.030	OAR 715-011-0005 – 011-0080
ORS 341.496	ORS 659A.033	OAR 839-003-0000
ORS 341.518	ORS 659A.040 - 659A.046	OAR 839-006-0435 – 006-0465
ORS 408.225 - 408.230	ORS 659A.103 - 659A.143	OAR 839-020-0051
ORS 651.210 - 652.220	ORS 659A.199 - 659A.224	

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107(2018).

Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-633 (2018); 29 C.F.R Part 1626 (2018).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. 12101-12133 (2018).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2018).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2018).

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 793-794 (2018); 34 C.F.R. Part 104 (2018).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2018).

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2018); 28 C.F.R. §§ 42.101-42.106 (2018).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2018); 29 C.F.R. § 1601 (2018).

Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2018).

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2020).

Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).

Chevron USA Inc. v. Echazabal, 536 U.S. 73 (2002).

Gebser v. Lago Vista Independent School Dist., 524 U.S. 274 (1998).

Davis v. Monroe, 526 U.S. 629 (1999).

Meritor Sav. Bank, FSB v. Vinson, 477 U.S. 57 (1986).

Faragher v. City of Boca Raton, 524 U.S. (1998).

House Bill 2935 (2021).

House Bill 3041 (2021).