



Code: AC  
Adopted: 5/09/01  
Revised/Readopted: 9/14/11; 2/10/16 (effective July 1, 2016);  
11/18/20  
Orig. Code: 612

## Nondiscrimination

The ~~College Board~~ prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race<sup>1</sup>, color, national or ethnic origin, religion, sex, age, mental ~~or disability~~, 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 disability~~, 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, ~~including~~ but not limited to, ~~in~~ educational opportunities and services offered ~~to~~ students, including housing and financial assistance; admissions; ~~in~~ student assignment to classes; ~~in~~ student discipline; ~~in~~ employment, assignment and promotion of employees; ~~in~~ location and use of facilities; ~~in~~ educational offerings and materials; and ~~in~~ accommodating the public at public meetings.

### Definitions

The following definitions will be used for reporting, investigating, and resolving complaints of discrimination.

Discrimination refers to unfair or unequal treatment of an individual (or group) based on certain characteristics, including but not limited to: an individual's perceived or actual race, color, national or ethnic origin, religion, sex, age, mental disability, 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 disability, physical disability, pregnancy, familial status, economic status, veterans' status of any other persons with whom the individual associates.

Third parties include, but are not limited to, volunteers, parents, visitors, service contractors or others engaged in College business, such as employees of businesses or organizations participating in cooperative programs with the College and others not directly subject to College control at intercollegiate and athletic competitions or other events.

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<sup>1</sup> Race also includes physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type and protective hairstyles as defined by ORS 659A.001 (as amended by House Bill 2935 (2021)).

The College includes College facilities, College premises and non-College property if the student or employee is at any College-sponsored, College-approved or College-related activity or function, where students are under the control of the College or where the employee is engaged in College business.

### **Reports of Discrimination**

Any employee who has knowledge of conduct in violation of this policy should immediately report their concerns to human resources or to a supervisor. A student may report concerns to the Student CARE Team or to an employee of the College. If requested, the employee will promptly notify the appropriate College official.

When a College official has knowledge that conduct in violation of this policy has or may have occurred, an initial inquiry and/or investigation will be conducted. Students and employees have a duty to participate in any inquiry and/or investigation.

It is the intent of the Board that appropriate corrective action will be taken by the College to stop discrimination, prevent its recurrence and address negative consequences. Students whose behavior is found to be in violation of this policy may be subject to discipline, up to and including expulsion. Employees whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal, in accordance with the applicable employee handbook and/or bargaining agreement. Other individuals whose behavior is found to be in violation of this policy shall be subject to appropriate sanctions as determined and imposed by the President or designee.

Additionally, the College may report individuals in violation of this policy to law enforcement officials.

### **Retaliation / False Charges**

The initiation of a report in good faith about behavior that may violate this policy will not adversely affect the educational assignments or study environment of a student complainant or any terms or conditions of employment or work environment of an employee complainant. The College prohibits retaliation and discrimination against an individual who has opposed any discriminatory 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. False charges shall be regarded as a serious offense and will result in disciplinary action or other appropriate sanctions.

### **Employee Disclosure of Discrimination**

The College will not require an employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault. An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement which contains a nondisclosure, non-disparagement, or no-rehire provision and will have at least seven days to revoke any such agreement.

Under this policy, a nondisclosure agreement is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, or sexual assault. A nondisparagement agreement is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or the company.

A no-rehire provision is an agreement that prohibits an employee from seeking reemployment with the College and allows the College to not rehire that individual in the future.

## Reporting Information

The President or designee will establish a procedure for reporting incidents of discrimination. This policy as well as the reporting procedure will be made available to all students and employees. The President shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act ~~of 1990~~ and the Americans with Disabilities Act Amendments Act ~~of 2008~~ (ADA), Section 504 of the Rehabilitation Act ~~of 1973~~, Title VI, Title VII, Title IX and other civil rights or discrimination issues.

The College will publish reporting procedures providing for prompt and equitable resolution of complaints from students, employees and the public. Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence no later than five years after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.

END OF POLICY

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### Legal Reference(s):

<a href="#">ORS 166.065</a>	<a href="#">ORS 659.852</a>	<a href="#">ORS 659A.236</a>
<a href="#">ORS 174.100</a>	<a href="#">ORS 659.855</a>	<a href="#">ORS 659A.300</a>
<a href="#">ORS 192.630</a>	<a href="#">ORS 659A.001</a>	<a href="#">ORS 659A.309</a>
<a href="#">ORS 341.009(6)</a>	<a href="#">ORS 659A.003</a>	
<a href="#">ORS 341.290(1),(2),(7),(8)</a>	<a href="#">ORS 659A.006</a>	<a href="#">OAR 589-006-0050</a>
<a href="#">ORS 341.450</a>	<a href="#">ORS 659A.009</a>	<a href="#">OAR 589-008-0100</a>
<a href="#">ORS 341.481</a>	<a href="#">ORS 659A.029</a>	<a href="#">OAR 715-011-0005 – 011-0080</a>
<a href="#">ORS 341.487</a>	<a href="#">ORS 659A.030</a>	<a href="#">OAR 839-003-0000</a>
<a href="#">ORS 341.496</a>	<a href="#">ORS 659A.033</a>	<a href="#">OAR 839-006-0435 – 006-0465</a>
<a href="#">ORS 341.518</a>	<a href="#">ORS 659A.040 - 659A.046</a>	<a href="#">OAR 839-020-0051</a>
<a href="#">ORS 408.225 - 408.230</a>	<a href="#">ORS 659A.103 - 659A.143</a>	
<a href="#">ORS 651.210 - 652.220</a>	<a href="#">ORS 659A.199 - 659A.224</a>	
<a href="#">ORS 659.850</a>	<a href="#">ORS 659A.233</a>	

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 (2019).

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 (2019).

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).

**Cross Reference(s):**

ACA - Americans with Disabilities Act  
GBA - Equal Employment Opportunity  
JB - Nondiscrimination: Equal Education Opportunities and Freedom of Access  
KL - Public Complaints

Corrected 11/22/21