



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):

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|--|---|---|
| <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

# Clackamas Community College

Code: ACA  
Adopted: 9/14/11  
Readopted: 2/10/16 (effective  
July 1, 2016)

## **Americans with Disabilities Act**

The College, in compliance with the Americans with Disabilities Act of 1990 and the American with Disabilities Act Amendments Act of 2008 (ADA) is committed to maintaining employment practices, services, programs and activities that provide equity to qualified individuals with disabilities.

The College will provide reasonable accommodations for the known disabilities of all applicants and current employees in all employment application procedures; hiring, advancement or discharge; employee compensation; job training; other terms, conditions and privileges of employment upon request and advance notice.

A reasonable accommodation must not present an undue hardship for the College, be unduly costly, extensive or disruptive; nor present a direct threat to the health or safety of the individual or others in the workplace.

College services, programs and activities will be accessible and usable by qualified individuals with disabilities, consistent with Section 504 of the Rehabilitation Act of 1973 and the ADA. Accessibility may be achieved through nonstructural as well as structural methods.

In order to achieve equal access, the College will make available appropriate auxiliary aids and services that promote effective communications. Primary consideration will be given to the request of individuals with disabilities in the selection of appropriate aids and services. Final determination will be made by the President at the direction of the Board. Auxiliary aids and services determinations will be based on availability, effectiveness and financial or administrative burden to the College.

The Board directs the President to develop and implement an appropriate plan that provides for College compliance with the ADA, including the appointment of an ADA compliance officer and the establishment of a process for the investigation and prompt and equitable resolution of any complaint regarding noncompliance.

Retaliation is prohibited against anyone who files a complaint of discrimination, participates in an Office of Federal Contract Compliance Program proceeding or otherwise opposes discrimination under federal or state laws.

END OF POLICY

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**Legal Reference(s):**

[ORS 192.630](#)  
[ORS 341.009\(6\)](#)  
[ORS 341.290\(1\),\(2\),\(7\),\(8\)](#)  
[ORS 341.450](#)  
[ORS 341.481](#)  
[ORS 341.487](#)  
[ORS 341.496](#)  
[ORS 341.518](#)  
[ORS 408.225 - 408.235](#)  
[ORS 652.210 - 652.220](#)

[ORS 659.850](#)  
[ORS 659.852](#)  
[ORS 659.855](#)  
[ORS 659A.003](#)  
[ORS 659A.006](#)  
[ORS 659A.009](#)  
[ORS 659A.040 - 659A.046](#)  
[ORS 659A.103 - 659A.143](#)  
[ORS 659A.199 - 659A.224](#)  
[ORS 659A.233](#)

[ORS 659A.236](#)  
[ORS 659A.300](#)  
[ORS 659A.309](#)  
  
[OAR 589-008-0100](#)  
[OAR 715-011-0005 – 011-0080](#)  
[OAR 839-003-0000](#)  
[OAR 839-006-0435 – 006-0465](#)  
[OAR 839-020-0051](#)

Rehabilitation Act of 1973, 29 U.S.C. §§ 791, 794 (2012).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12112 (2012); 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

Americans with Disabilities Act Amendments Act of 2008, 42 U.S.C. §§ 12101-12133 (2012).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2012).

Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. § 2000ff-1 (2012).

Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212 (2012).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683, 1701, 1703-1705, 1720 (2012).

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

**Cross Reference(s):**

AC - Nondiscrimination

BD/BDA - Board Meetings/Regular Board Meetings

GAB - Job Description

GBA - Equal Employment Opportunity

GBL - Personnel Records

JB - Nondiscrimination: Equal Education Opportunities and Freedom of Access

## ADA Grievance Procedure

The compliance officer is responsible for coordinating the College's efforts to comply with the Americans with Disabilities Act of 1990 and the Americans with Disabilities Act Amendments Act of 2008 (ADA). The compliance officer shall be a neutral party having had no involvement in the complaint presented.

- Step I Any complaint shall be presented in writing to the compliance officer within 180 days from date of alleged discrimination. It must include the following:
1. Name and address of the individual or the representative filing the complaint;
  2. Description of the alleged discriminatory action in sufficient detail to inform the College of the nature and date of the alleged violation;
  3. Signature by the complainant or by someone authorized to do so on ~~his/her~~ their behalf;
  4. Identification (by name, if possible) of the alleged victims of the discrimination for any complaint filed on behalf of classes or third parties.
- Step II The compliance officer shall thoroughly investigate the complaint, notify the person who has been accused of discriminating, permit a response to the allegation and arrange a meeting to discuss the complaint with all concerned parties within 10 working days after receipt of the written complaint, if deemed necessary. The compliance officer shall give a written answer to the complainant within 15 working days after receipt of the written complaint.
- Step III If the complainant is not satisfied with the answer of the compliance officer, ~~he/she~~ they may submit a written appeal to the President or designee indicating with particularity the nature of disagreement with the answer and reason underlying such disagreement. Such appeal must be filed within 10 working days after receipt of the compliance officer's answer. The President or designee shall arrange a meeting with the complainant and other affected parties, if requested by the complainant, at a mutually agreeable time to discuss the appeal. The President or designee shall give a written answer to the complainant's appeal within 10 working days. If the complaint is regarding the President, this step shall be waived and the complainant may proceed with Step IV.
- Step IV If the complainant is not satisfied with the answer, an appeal to the Board may be filed within 10 working days after receipt of the Step III answer. The Board shall, within 20 working days or at the next regularly scheduled Board meeting following the 20-day period, conduct a hearing at which the complainant shall be given an opportunity to present the complaint. The Board may elect to hold the hearing in executive session if the subject matter qualifies under Oregon Revised Statutes. The Board shall give a written answer to the complainant within 10 working days following completion of the hearing.

Step V If the complainant is not satisfied with the decision of the Board, a complaint may be filed with the Coordination and Review Section, Civil Rights Division, U.S. Department of Justice (student complaints) or the U.S. Department of Labor, Equal Employment Opportunity Commission or Oregon Bureau of Labor and Industries (employment complaints).

Individuals may initiate complaint procedures and/or civil actions with or without first complying with local complaint procedures.

Approved by President's Council: \_\_\_\_\_  
(Date)





Code: **BBAA**  
Adopted: 9/14/11  
Readopted: 3/14/18

## **Individual Board Member's Authority and Responsibilities**

Any duty imposed upon the Board as a body shall be performed at a regular or special meeting and shall be made a matter of record. The consent to any particular measure obtained from individual Board members when the Board is not in session shall not be an act of the Board and shall not be binding upon the College.

A Board member has the authority to act in the name of the Board when authorized by a specific Board motion~~action~~. The affirmative vote of the majority of members of the Board is required to transact any business. When authorized to act as the designated representative in collective bargaining, a Board member may make and accept proposals in bargaining subject to subsequent approval by the Board.

~~A Board member has the right to express personal opinions.~~ When expressing ~~such~~ personal opinions in public, the Board member ~~should~~~~must~~ clearly identify the opinions as ~~their~~~~his/her~~ own.

Members will be knowledgeable of information requested through Board action, supplied by the President, gained through attendance at College activities, and through professional Board activities.

Members of the Board will adhere to the following in carrying out the responsibilities of membership:

### 1. Request for Information

Any individual Board member who desires a copy of an existing written report or survey prepared by the administrative staff will make such a request to the Board chair and President. A copy of the material will be distributed to each member of the Board. Requests for the generation of reports or information, which require additional expense, must be submitted to the Board for consideration.

### 2. Requests for Legal Opinions

~~A request for a legal opinion by a Board member, must be approved by a majority vote of the Board before the request is made to legal counsel. If a legal opinion is requested only the Board chair or President may contact counsel on behalf of the Board. If the legal opinion sought involves the President's employment or performance, the request should be made to the Board chair. Legal counsel is responsible to the Board.~~ The Board chair may obtain legal advice or opinions without Board approval. Requests for legal advice by a Board member other than the Board chair must be approved by the Board chair or a majority vote of the Board before the request is made to legal counsel. Legal counsel is responsible to the Board.

### 3. Action on Complaints or Requests Made to Board Members

When Board members receive complaints or requests for action from staff, students or members of the public, the Board member(s) will inform the President and direct the staff, students, members of

the public to the appropriate complaint policy Board policy KL – Public Complaints. Board members will not take action on complaints or requests and will convey such information to the President or designee.

4. Board Member’s Relationship to Administration

Individual Board members will shall keep themselves be informed about the College’s educational program, may visit classes or other facilities to gain information, and may request information from the President. Board members will coordinate all visits to the College and information requests through the President’s office. No individual Board member may direct the President to action without Board authorization. Board members will not intervene in the administration of the College.

5. Contracts or Agreements

Contracts or agreements made by individual Board members without the Board’s authority are invalid.

END OF POLICY

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**Legal Reference(s):**

[ORS 341.283](#)

[ORS 341.290](#)

38 OR. ATTY. GEN. OP. 1995 (1978)

S. Benton Educ. Ass’n v. Monroe Union High Sch. Dist., 83 Or. App. 425 (1987).

**Cross Reference(s):**

BHD - Expenses of Board Members

Corrected 11/22/21

# Clackamas Community College

Code: **BBF**  
Adopted: 9/14/05  
Readopted: 9/14/11; 3/09/16 (effective  
July 1, 2016)  
Orig. Code: 217

## Board Member Standards of Conduct

A Board member should:

1. Understand that ~~his/her~~their basic function is policy-making and not administration of the College;
2. Understand that ~~his/her~~their position is nonpartisan;
- ~~3. Respect the rights of College patrons to be heard at official meetings;~~
- ~~4.3.~~ Recognize that authority rests only with the Board in official meetings. An individual Board member cannot commit the Board to any action or posture unless specifically delegated by Board action to do so;
- ~~5.4.~~ Respect the right of other Board members to have opinions and ideas which differ;
- ~~6.5.~~ Recognize that decisions are made by a **majority** quorum vote and ~~should be supported by all Board members~~ are the final decisions of the Board. Such decisions should be supported by all Board members;
- ~~7.6.~~ Make decisions only after the facts are presented and discussed;
- ~~8.7.~~ Recognize that the Board must comply with the Public Meetings Law and only has authority to make decisions at ~~official~~ properly noticed Board meetings;
- ~~9.8.~~ Respect the opinions of other Board members and College staff;
- ~~10.9.~~ Recognize that the President should have full administrative authority for properly discharging ~~his/her~~their professional duties within the limits of established Board policy;
- ~~11.10.~~ Insist that all College business be transacted on an open, fair and honest basis-no hidden agendas;
- ~~12.11.~~ Understand that ~~he/she~~they will receive information that is confidential and cannot be shared;
- ~~13.12.~~ Refer complaints or problems to the President and support administrative action to answer complaints and solve problems;
- ~~14.13.~~ Present personal criticism of any College operation directly to the President rather than to College personnel ~~or at a Board meeting~~;
- ~~15.14.~~ Recognize that the President is the Board's advisor and should be present at all meetings, except when the Board is considering the President's evaluation, contract or salary;

~~16.15.~~ Take action only after hearing the President's or designee's recommendations except when the Board is considering the President's evaluation, contract or salary;

~~17.16.~~ Refuse to bring personal or family problems into Board considerations;

~~18.17.~~ Give ~~the~~ staff the respect and consideration due ~~to~~ skilled, professional employees;

~~19.18.~~ Comply with the ethics laws for public officials provided in ~~s~~State law;

~~20.19.~~ Remember that content discussed in executive session is confidential~~;~~;

~~21.20.~~ Use social media, websites, or other electronic communication judiciously, respectfully, and in a manner that does not violate Oregon's Public Meetings Laws;

~~22.21.~~ When posting online or to social media, Board members will treat and refer to other Board members, staff, students and the public with respect, and will not post confidential information about staff, students, or College business.

END OF POLICY

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**Legal Reference(s):**

[ORS 162.015 - 162.035](#)  
[ORS 162.405 - 162.425](#)

[ORS 192.610 - 192.710](#)  
[ORS Chapter 244](#)

[ORS 341.283](#)

**Cross Reference(s):**

BBFA - Board Member Ethics and Conflicts of Interest

## Board Member Ethics and Nepotism

In order to avoid both potential and actual conflicts of interests, Board members will abide by the following rules when a Board member's relative or member of the household is seeking and/or holds a position with the College:

1. A Board member may not appoint, employ, promote, discharge, fire, or demote or advocate for such an employment decision for a relative or member of the household, unless the Board member complies with the conflict of interest requirements of ORS Chapter 244.
- ~~2.~~ This policy does not apply to decisions regarding unpaid volunteer positions unless it is a Board member position or another Board-related unpaid volunteer position (i.e. a Board committee position).
- ~~3.~~ A Board member may not participate as a public official in any interview, discussion, or debate regarding the appointment, employment, promotion, discharge, firing, or demotion of a relative or member of the household. A Board member may still serve as a reference or provide a recommendation.

For the purposes of this policy:

a "member of the household" means any person who resides with the Board member, and

"relative" means: 1. The Board member's spouse<sup>1</sup>, parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the Board member; or 2. The spouse of a Board member's parent, step-parent, child, sibling, step-sibling, son-in-law or daughter-in-law of the spouse of the Board member. Relative also includes any individual for whom the Board member has a legal support obligation, whose employment provides benefits<sup>2</sup> to the Board member, or who receives any benefit from the Board member's public employment.

### Class Exception

It will not be a conflict of interest if the Board member's action would affect to the same degree a class including the Board member's relative or household member. For example, if a Board member's spouse is a member of the collective bargaining unit, the Board member may vote to approve the contract, as it will affect all members of that class to the same degree. However, if the collective bargaining unit is very small, the class exception may not apply. Similarly, if the contract contains special provisions that might apply only to particular persons, then the class exception may not apply. For example, if a Board member's spouse is the only one in the bargaining unit that has a doctorate and there is a pay differential

<sup>1</sup>The term spouse includes domestic partner.

<sup>2</sup>Examples of benefits may include, but not be limited to, elements of an official compensation package including benefits such as insurance, tuition or retirement allotments.

for employees with doctorates in the collective bargaining agreement, the Board member should not vote on the contract.

END OF POLICY

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**Legal Reference(s):**

[ORS 244.010](#) to -244.400  
[ORS 659A.309](#)

[OAR 199-005-00030001](#) to -199-  
[020010-00200150](#)

OR. ETHICS COMM'N, OR. GOV'T ETHICS LAW, A GUIDE FOR PUBLIC OFFICIALS.



Code: **BD/BDA**  
Adopted: 9/14/11  
Readopted: 3/14/18  
Orig. Code: 214

## Board Meetings/~~Regular Board Meetings~~

The Board has the authority to act only when a quorum is present at a duly called regular, special or emergency meeting. “Meeting” means the convening of a quorum of the Board as the College’s governing body to make a decision or to deliberate toward a decision on any matter. This includes meeting for the purpose of gathering information to serve as the basis for a subsequent decision or recommendation by the governing body, i.e., a work session. The affirmative vote of ~~the majority~~ a quorum of members of the Board is required to transact any business.

All regular, special ~~and~~ emergency meetings of the Board will be open to the public except as provided by law. Access to and the ability to attend all meetings (excluding executive sessions) by telephone, video or other electronic or virtual means will be made available when reasonably possible. All meetings will be conducted in compliance with state and federal statutes. For information how to give or submit public comment, see Board policy BDDH - Public Comment at Board Meetings which is posted on the College’s website.

All Board meetings, including Board retreats and work sessions, will be held within the geographic boundaries over which the Board has jurisdiction, ~~except as allowed by law~~<sup>1</sup>. The Board may attend training sessions outside the community college boundaries but cannot deliberate or discuss College business.<sup>2</sup> No meeting will be held at any place where discrimination on the basis of disability, race, creed, color, sex, sexual orientation, ~~gender identity~~<sup>3</sup>, age or national origin is practiced.

The Board will give public notice reasonably calculated to give actual notice to interested persons, including those with disabilities, of the time and place for all Board meetings and of the principal subjects to be considered. The Board may consider additional subjects at a meeting, even if they were not included in the notice.

If requested to do so at least 48 hours before a meeting held in public, the Board shall ~~make a good faith effort to provide an interpreter for hearing-impaired persons. Such other appropriate auxiliary aids and services will be provided upon request and appropriate advance notice. Communications with all qualified individuals with disabilities shall be as effective as communications with others.~~

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<sup>1</sup> ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction ~~if no deliberations toward a decision are involved.~~

<sup>2</sup> ~~ORS 192.630(4). Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved.~~

<sup>3</sup> ~~As defined in ORS 174.100.~~

If requested to do so at least 48 hours before a meeting held in public, the Board will make a reasonable effort to provide translation services.

All meetings held in public shall comply with the Oregon Indoor Clean Air Act ~~and the smoking provisions contained in the Public Meetings Law.~~

## Regular, Special and Emergency Meetings

~~No later than the next regular meeting following~~ After July 1 of each year, the Board will hold an annual organizational meeting to elect Board officers for the coming year and to establish the year's schedule of Board meetings. In Board election years (odd numbered years), the first meeting will be held no later than July 31.

Generally, at least one regular Board meeting will be held each month, except as otherwise ordered by the Board. The regular meeting schedule will be established at the annual organizational meeting ~~in July~~ and may be changed by the Board with proper notice. The purpose of each regular monthly meeting will be to conduct the regular Board business.

Special meetings can be convened by the Board chair, upon request of three Board members or by common consent of the Board at any time to discuss any topic. A special meeting may also be scheduled if less than a quorum is present at a meeting or additional business still needs to be conducted at the ending time of the meeting, a special meeting may be scheduled. At least 24 hours' notice must be provided to all Board members, **the regular meeting distribution list**, the news media which have requested notice, and the general public for any special meeting.

Emergency meetings can be called by the Board in the case of an actual emergency upon appropriate notice under the circumstances. The minutes of the emergency meeting must describe the emergency. Only topics necessitated by the emergency may be discussed or acted upon at the emergency meeting.

### 1. Communications Outside of Board Meetings

Communications, to, by, and among a quorum of Board members outside of a legally called Board meeting, in their capacity as Board members, shall not be used for ~~the purpose of deliberating toward a decision on~~ discussing community college business. This includes electronic communication. Electronic communications among Board members shall be limited to messages not involving deliberation, debate, decision-making or gathering of information on which to deliberate.

Electronic communications may contain:

- a. Agenda item suggestions;
- b. Reminders regarding meeting times, dates, and places;
- c. Board meeting agendas or information concerning agenda items;
- d. One-way information from Board members or the President to each Board member (e.g., to share a report on community college progress on goals); ~~so long as that information is also being made available to the public;~~
- e. Individual responses to questions posed by community members, subject to other limitations in Board policy.

Electronic Communications sent to other Board members will have the following notice:

Board Meetings/~~Regular Board Meetings~~ – BD/BDA



*Important: Please do not reply or forward this communication if this communication constitutes a decision or deliberation toward a decision between and among a quorum of a governing body which could be considered a public meeting. Electronic communications on community college business are governed by public meetings law. ~~Public Records and Meetings Law.~~*

2. Private or Social Meetings

Private or social meetings of a quorum of the Board for the purpose of making a decision or to deliberate toward a decision on any matter are prohibited by public meetings law ~~the Public Meetings Law.~~

3. Work Sessions

The Board may use regular or special meetings for the purpose of conducting work sessions to provide its members with opportunities for planning and thoughtful discussion. Work sessions will be conducted in accordance with the state law on public meetings, including notice and minutes. Generally, Boards do not take official action during work sessions, although there is no legal prohibition to do so.

4. Executive Sessions

Executive sessions may be held as an agenda item during regular, special or emergency meetings for a reason permitted by law (see Board policy BDC - Executive Sessions).

END OF POLICY

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**Legal Reference(s):**

[ORS 174.100](#)

[ORS 174.104](#)

[ORS Chapter 192](#)

[ORS Chapter 193](#)

[ORS 255.335](#)

[ORS 341.283](#)

[ORS 433.835 - 433.875](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2020); 28 C.F.R. Part 35 (2020).

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

OR. ATTY. GEN. Public Records and Meetings Manual.

Oregon House Bill 2560 (2021).

Oregon House Bill 3041 (2021).

**Cross Reference(s):**

ACA - Americans with Disabilities Act

BDB - Special and Emergency Board Meetings

BDC - Executive Sessions

Corrected 11/22/21



Code: **BDDH**  
Adopted: 9/14/11  
Readopted: 4/13/16 (effective  
July 1, 2016); 4/11/18  
Orig. Code: 214

## Public Comment in Board Meeting

All meetings of the Board, with the exception of executive sessions, will be open to the public. The Board invites the public ~~citizens~~ to attend Board meetings to become acquainted with the program and operation of the College. ~~The Members of the public has a right to attend public meetings held in open session and may be invited~~ ~~also are encouraged~~ to share comments, ~~their~~ ideas and opinions with the Board during designated times on the agenda. The Board may conduct a meeting without public comment ~~when appropriate.~~

~~It is the intent of the Board to ensure communications with individuals with disabilities are as effective as communications with others.~~ Individuals with hearing, vision or speech impairments will be given an equal opportunity to participate in Board meetings and submit written comments to the Board. Individuals requesting assistance, aids or accommodations (which will be provided at no cost) must notify the College at least 48 hours prior to the Board meeting with the request, consistent with Board policy BD/BDA – Board Meetings. ~~Primary consideration will be given to requests of qualified individuals with disabilities in selecting appropriate auxiliary aids and services.~~

~~All auxiliary aids and/or service requests must be made with appropriate advance notice. Should the Board demonstrate such requests would result in a fundamental alteration in the service, program or activity or in undue financial and administrative burdens, alternative, equally effective means of communication will be used.~~

### **Audience**

~~During an open session of a Board meeting, members of the public may be invited to present comment during the designated portion of the agenda. At the discretion of the Board chair, further public comment may be allowed.~~

~~The Board may exclude from any such public or executive session, during the examination of a witness, any or all other witnesses in the matter being investigated by the Board.~~

### **Request for an Item on the Agenda**

~~A member of the public may request the President to consider an item of concern to be placed on the agenda of a regular Board meeting. This request should be made in writing and presented to the President for consideration.~~

### **Procedures for Oral Public Comment in Meetings**

The Board will establish procedures for public comment in open Board meetings. The purpose of these procedures will be to inform the public how to effectively comment in Board meetings ~~for the best interests of the individual, the College and its patrons~~. The information will be easily accessible and available to all ~~patrons~~ individuals accessing or attending a ~~public~~ Board meeting held in public.

### Letters, Petitions or Written Comments

Letters, petitions or written comments may be accepted at any Board meeting. No action will be taken in response to a letter, petition or written comments before the next regular meeting. Letters, petitions or written comments will be referred to the President for consideration and recommendation.

### Comments Regarding Staff Members

A person speaking during the designated portion of the agenda for public comment ~~Speakers~~ may offer objective criticism of College operations and programs. The Board will not hear comments regarding any individual College staff member. The Board chair will direct the ~~visitor speaker~~ to the ~~procedures in Board~~ Policy KL - Public Complaints for ~~Board~~ consideration of a legitimate ~~complaint~~ ~~complaints~~ involving a College staff member. A commendation involving a staff member should be sent to the President, who will forward it to the employee, their supervisor, and the Board.

END OF POLICY

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#### Legal Reference(s):

[ORS 165.535](#)  
[ORS 165.540](#)

[ORS 192.610 - 192.690](#)  
[ORS 341.283](#)

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213 (2018); 29 C.F.R. Part 1630 (2019); 28 C.F.R. Part 35 (2019).

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

*Baca v. Moreno Valley Unified Sch. Dist.*, 936 F. Supp. 719 (C.D. Cal. 1996).

*Leventhal v. Vista Unified Sch. Dist.*, 973 F. Supp. 951 (S.D. Cal. 1997).

Oregon House Bill 2560 (2021).

#### Cross Reference(s):

BDDC - Board Meeting Agenda

Corrected 11/22/21

## Public Comment in Board Meetings

Members of the public are invited to share their comments with the Board during the agenda item labeled “~~Comments from Citizens~~ **Public Comments**.” Comments from the audience at any other time during the meeting, except for the agenda item “~~Comments from Citizens~~ **Public Comments**,” will be declared out of order.

At meetings held in person, those wishing to speak must ~~If you wish to speak to the Board~~ sign up at the table located at the entrance to the Board meeting site. For virtual meetings, those wishing to speak must email their intent to the Board Secretary at [Board@clackamas.edu](mailto:Board@clackamas.edu) by noon on the day of the meeting.

During the agenda item “~~Comments from Citizens~~ **Public Comments**,” those signed up to speak will be governed by the following:

1. ~~When called upon, the speaker will begin by~~ **Stating you're** their first and last name and the topic you are being addressed ~~before you begin~~;
2. ~~Speakers~~ **Public comments should be directed** ~~comments~~ to the Board chair. The chair will ~~may~~ refer any questions or requests for actions to the proper person for a response ~~once all public comments are considered~~. If follow up is required, the information will be ~~provided properly~~ distributed to the speaker ~~via letter or meeting, with the information shared at the next board meeting with all board members~~ and the Board;
3. All speakers are to keep their comments to ~~three~~ (3) minutes or less. If a group wishes to speak, ~~please they must~~ designate one spokesperson for the group. In order to maintain the meeting schedule, ~~repetitious comments may not be permitted in order to keep the meeting on schedule~~;
4. ~~Speakers~~ **A person speaking** may offer objective criticism of the ~~district~~ **College** operations and programs but the Board will not hear ~~complaints~~ **comments** concerning individual college ~~district~~ personnel. The Board chair will direct the speaker to the appropriate means for Board consideration and the disposition of legitimate complaints involving ~~individuals~~. A commendation involving a staff member should be sent to the President, who will forward it to the employee, their supervisor, and the Board.
5. ~~Complaints regarding budget, programs, or o~~ **Other district issues should be handled first through the following steps:**
  - a. Records request are processed through Public Records Request Form;
  - b. Complaints against College personnel are to be filed through the appropriate Complaint form;
  - c. Other complaints will be referred to the College President for appropriate follow-up through administrative personnel;
  - d. These forms are available at the table where speakers sign in.

6. ~~If you wish to submit a letter or any form of written comments, t~~ The Board will accept those and ~~keep them in the President's office in a Board communication file~~ written comments, letters, or testimony and ~~copies will be given to all Board members, and those~~ Any written letters or comments submitted to the Board are public documents;
7. Candidates, their committee members, or individuals supporters are to refrain from ~~supporting their promoting or opposing the~~ candidacy as of an elected official ~~or opposing other elected officials~~ at a Board meeting.

For further information regarding public meeting laws in Oregon please refer to the Oregon Attorney General's website [www.doj.state.or.us](http://www.doj.state.or.us).

Approved by Policy Committee \_\_\_\_\_  
Approved by President's Council \_\_\_\_\_