



Blue Mountain Community College *Administrative Procedure*

Procedure Title: Non-Discrimination – Discrimination Complaint/Grievance Procedure

Procedure Number: 03-2006-0001

Board Policy Reference: IV.B.1

Accountable Administrator: President

Position responsible for updating: AVP, Human Resources

Original Date: January 2006

Date Approved by Cabinet: 08-25-15

Authorizing Signature: *Signed original on file*

Dated: 08-25-15

Date Posted on Web: 8-25-15

Revised: 07-15

Reviewed: 07-08; 07-09; 07-15

Purpose/Principle/Definitions:

The Board prohibits nondiscrimination and harassment on any basis protected by law, including but not limited to an individual's perceived or actual race, color, national or ethnic origin, religion, sex, age, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status, sexual orientation or marital status, or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, marital status, age, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status, or 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 Board does business.

The College prohibits discrimination and harassment, including but not limited to, in employment, assignment and promotion of personnel; in educational opportunities and services offered students; in student assignment to classes; in student discipline; in location and use of facilities, in educational offerings and materials; and in 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, announcing them generally to staff and public, and providing for their implementation.

The President shall appoint and make known the individuals to contact on issues concerning the Americans with Disabilities Act (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 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 or exercising the rights guaranteed under the state and federal law.

Guidelines:

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

Step I Complaints may be oral or in writing and must be filed with the VP, Student Affairs or the AVP, Human Resources (compliance officers). The administrator receiving the complaint 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.

Any staff member that receives a written or oral complaint, shall report the complaint to the VP, Student Affairs or the AVP, Human Resources.

Step II If the complainant wishes to appeal the decision of the compliance officer, he/she may submit a written appeal to the President or 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 and may meet with all parties involved. The president or designee will review the merits of the complaint with the compliance officer's decision and respond in writing to the complaint within ten (10) business days.

Step III 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. The Board may meet with the concerned parties and their representative at the next regular or special Board meeting. The Board's decision will be final and will include the legal basis for the decision, findings of fact and conclusions of law. A copy of the Board's final 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 should be referred to the Board chair. The Board may refer the investigation to a third party.

Complaints against the Board as a whole or individual Board members should be made to the Board chair and may be referred to counsel. Complaints against the Board chair may be made directly to the Board vice chair.

Timelines may be extended based upon mutual consent of both parties and must be in writing.

If the complainant is not satisfied after exhausting local complaint procedures or after 90 days, whichever occurs first, he/she may appeal in writing to the Commissioner of the Department of Community Colleges and Workforce Development (CCWD) under Oregon Administrative Rule (OAR) 589-010-0010.

Special Forms:

Discrimination Complaint Form

Legal References:

ORS 174.100	OAR 839-003-0000
ORS 192.630	
ORS 659A.030	
ORS 659A.040	OAR 589-006-0050
ORS 659.815	OAR 589-008-0100
ORS 659A.100-145	OAR 589-010-0100
ORS 659.850	
ORS 659.855	ORS 659.860
ORS 659.865	ORS 659A.233
ORS 659.870	ORS 659A.236
ORS 659A.003	
ORS 659A.006	ORS 659A.300
ORS 659A.009	ORS 659A.300
ORS 659A.029	ORS 659A.409

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2006).
Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621-634 (2006); 29 C.F.R Part 1626 (2006).
Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2006); 28 C.F.R. Part 35 (2006).
Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2006).
Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2006).
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2006).
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2006).
Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006).
Vietnam Era Veterans' Readjustment Assistance Act of 1974, 38 U.S.C. § 4212 (2006).
Wygant v. Jackson Bd. of Educ., 476 U.S. 267 (1989).
Americans with Disabilities Act Amendments Act of 2008.
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. § 4212.
Title II of the Genetic Information Nondiscrimination Act of 2008.

DISCRIMINATION COMPLAINT FORM

Name of Person Filing Complaint	Date	Activity
Student <input type="checkbox"/> Employee <input type="checkbox"/> Non-employee <input type="checkbox"/> (Job applicant) other <input type="checkbox"/> _____		
Type of discrimination:		
<input type="checkbox"/> Race	<input type="checkbox"/> Color	<input type="checkbox"/> National Origin
<input type="checkbox"/> Religion	<input type="checkbox"/> Sex	<input type="checkbox"/> Age
<input type="checkbox"/> Disability	<input type="checkbox"/> Veterans' Status	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Marital Status	<input type="checkbox"/> Other _____	

Specific complaint: (Please provide detailed information including names, dates, places, activities and results of informal discussion.)

Who should we talk to and what evidence should we consider? _____

Suggested solution/resolution/outcome: _____

The complaint form should be mailed or taken to the [compliance officer]. Direct complaints related to educational 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.