



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: 03-25-06

Authorizing Signature: *Signed original on file*

Dated: 05-09-06

Date Posted on Web: 05-10-06; 07-10-08; 07-15-09

Revised: 03-07; 07-08; 07-09

Reviewed: 07-08; 07-09

Purpose/Principle/Definitions:

The Board is committed to nondiscrimination relating to and in association with the protected classes of race, color, national origin, religion, sex age, disability, veterans' status, or marital status. This policy prevails in matters concerning staff, students, the public, educational programs and services, and individuals with whom the Board does business.

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), (AVP of Student Enrollment Management); Section 504 of the Rehabilitation Act of 1973, (AVP of Student Enrollment Management); Title VI, (Vice President of Operations); Title VII, (Vice President of Operations); Title IX, (AVP of Student Enrollment Management); and other civil rights or discrimination issues, (Vice President of Operations). The Board will adopt and the district will publish grievance procedures providing for prompt and equitable resolution of student and employee complaints.

Section 504 and the ADA prohibit discrimination against an individual because he/she has opposed any discrimination act or practice or because that person has filed a charge, testified, assisted, or participated in an investigation, proceeding, or hearing. The ADA further prohibits anyone from coercing, intimidating, threatening, or interfering with an individual or exercising the rights guaranteed under the Act.

Guidelines:

Complaints regarding the interpretation or application of the College's nondiscrimination policy shall be processed in accordance with the following procedures:

Information Procedure

Any person who feels that he/she has been discriminated against should discuss the matter with the Vice President of Operations, who shall in turn investigate the complaint and respond to the complainant within five (5) business days. If this response is not acceptable to the complainant, he/she may initiate formal procedures.

If the compliance officer is the subject of the complaint, the individual may file a complaint directly with the President. If the President is the subject of the complaint, the complaint may be filed with the Board chairman.

Formal Procedure

Step I Any discrimination information (complaints, rumors, etc.) shall be presented to the compliance officer. Complaints may also be presented to any College administrator, who will immediately notify the College official responsible for sexual harassment investigations. All such information shall be presented in writing and will include the specific nature of the discrimination and corresponding dates.

Step II The designated College official receiving the information or complaint shall promptly initiate an investigation. He/she will arrange such meetings as may be necessary to discuss the issue with all concerned parties within five (5) working days after receipt of the information or complaint. All findings of the investigation, including the response of the alleged discriminator, shall be presented in writing. The designated College official(s) conducting the investigation shall notify the complainant in writing when the investigation is concluded. The parties will have an opportunity to submit evidence and a list of witnesses.

A copy of the notification letter, together with any other documentation related to the discrimination incident, including disciplinary action taken or recommended, shall be forwarded to the President.

Step III If a complainant is not satisfied with the decision at Step II, he/she may submit a written appeal to the President. Such appeal must be filed within 10 working days after receipt of the Step II decision. The President will arrange such meetings with the complainant and other affected parties as deemed necessary to discuss the appeal. The President shall provide a written decision to the complainant within 10 working days.

Step IV If a complainant is not satisfied with the decision at Step III, he/she may submit a written appeal to the Board. Such appeal must be filed within 10 working days after receipt of the Step III decision. The Board shall, within 30 working days, conduct a hearing at which time the complainant shall be given an opportunity to present the appeal. The Board shall provide a written decision to the complainant within 10 working days following completion of the hearing.

Step V If the complaint is not satisfactorily settled at the Board level, the employee may appeal to the U.S. Department of Labor Equal Employment Opportunity Commission, or Oregon Bureau of Labor and Industries; the student may appeal to the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region X, 915 2nd Ave., Room 3310, Seattle, WA 98174-1099. Additional information regarding filing of a complaint may be obtained through the compliance officer or President.

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 for the Office of Community College Services.

Special Forms:

Discrimination Complaint Form

Legal References:

<u>ORS 192.630</u>	<u>ORS 659A.030</u>	<u>OAR 589-006-0050</u>
<u>ORS 659.321</u>	<u>ORS 659A.043</u>	<u>OAR 589-008-0100</u>
<u>ORS 659.815</u>	<u>ORS 659A.103</u>	<u>OAR 589-010-0100</u>
<u>ORS 659.850</u>	<u>ORS 659A.109</u>	
<u>ORS 659.855</u>	<u>ORS 659A.112 – 659A.139</u>	
<u>ORS 659.860</u>	<u>ORS 659A.142</u>	
<u>ORS 659.865</u>	<u>ORS 659A.233</u>	
<u>ORS 659.870</u>	<u>ORS 659A.236</u>	
<u>ORS 659A.006</u>	<u>ORS 659A.300</u>	
<u>ORS 659A.009</u>	<u>ORS 659A.300</u>	
<u>ORS 659A.029</u>	<u>ORS 659A.409</u>	

Age Discrimination Act of 1975, as amended, 42 U.S.C. Sections 6101-7107.