

E.c. Proposed New Board Policy, Assurances

Background

The Office of Civil Rights/Department of Education (OCR/DOE) requires that educational institutions meet high standards in ensuring that students, employees and the public do not encounter discrimination. There are a variety of laws related to employment rights, protected classes, and disability.

It is expected that Boards establish expectations via Board policy, and that administration establish policies, practices and procedures to ensure the institution not only complies, but is proactive in ensuring that students, employees and the public understand their rights, including an avenue to lodge complaints if they believe their rights have been violated. It is also expected that Boards, Administration and employees regularly review non-discrimination policies and practices, not only to ensure they are up to date, but also to ensure that all are familiar with these policies and practices.

While specific policies addressing specific groups (such as employees and students), and specific issues (such as equal employment or gender discrimination) are useful and in some instances required, many post-secondary institutions also adopt a blanket "Assurances of Non-Discrimination Policy" which covers all persons and all federal laws that address protections.

While OCCC Board Policy has specific policies addressing non-discrimination (BP 212: Title IX-Gender, BP 700 Equal Employment, BP 703 Sexual Harassment Employees, BP 820 Student Rights and Responsibilities) the Board does not currently have a blanket Board Policy. The college does have a blanket Administrative Policy which meets OCR/DOE standards, which is printed in the annual catalog, posted on the website, and used in some publications. It is my recommendation that the Board adopt the Administrative Policy as Board Policy, with the slight modification of not including the specific contact names in the Board Policy, but rather a link to the Web statement which will include the contact names.

Proposed Policy

BP Manual Section 300: Administration

Board Policy 301: Assurances Civil Rights and Nondiscrimination

The Oregon Coast Community Board of Education is committed to ensuring that students, employees and the public do not encounter discrimination in any form at the College. The Board reaffirms this commitment via the following statement of assurances regarding non-discrimination.

The College prohibits unlawful discrimination based on race, color, religion, national origin, sex, marital status, disability, veteran status, age, sexual orientation, or any other status protected by federal, state, or local law in any area, activity or operation of the College. The College also prohibits retaliation against an individual for engaging in activity protected under this policy, and interfering with rights or privileges granted under anti-discrimination laws. In addition, the College complies with applicable provisions of the Civil Rights Act of 1964 (as amended), related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990 (as amended), Uniformed Services Employment and Reemployment Rights Act ("USERRA"), and all local and state civil rights laws. Under this policy, equal opportunity for employment, admission, and participation in the College's programs, services, and activities will be extended to all persons, and the College will promote equal opportunity and treatment through application of this policy and other College efforts designed for that purpose.

The College will make specific contact information (title, name, phone, email, mailing address) for employees with responsibility for non-discrimination coordination publicly available so that persons having questions about equal opportunity and nondiscrimination at the College are easily able to make such inquiries.

Existing Relevant Board Policy

212 – Title IX, Gender-Based and Sexual Misconduct

Approved by Board of Education: 9/16/2015

This OCCC Title IX policy creates and maintains a work and learning environment free from all forms of discrimination based on sex, gender, gender expression and actual or perceived gender identity or sexual orientation, gender identity and sex-based discrimination. This policy defines community expectations and establishes a mechanism for determining when those expectations have been violated. The College strives to create an environment that is safe for all, and to comply with Federal Title IX, the Violence Against Women Act and Clery Act requirements.

700 – Equal Employment Opportunity

Approved by Board of Education: 12/17/2014

Equal employment opportunity and treatment shall be practiced by the College regardless of race, color, national origin, religion, sex, sexual orientation, age, marital status, veteran status, or any other conditions protected by law, if the employee, with or without reasonable accommodation, is able to perform the essential functions of the position. The President will appoint an employee to serve as the officer in charge of compliance with the Americans with Disabilities Act of 1990, the Americans with Disabilities Act Amendments Act of 2008 (ADA), and Section 504 of the Rehabilitation Act of 1973. The President will also designate a Title IX coordinator to comply with the requirements of Title IX of the Education Amendments of 1972. The Title IX coordinator will coordinate the investigation of complaints communicated to the college alleging noncompliance with Title IX. The name, address and telephone number of the Title IX coordinator will be provided to all students and employees.

703 – Sexual Harassment

Approved by Board of Education: 12/17/2014

The Board of Education is committed to maintaining both a working and learning environment that is free from any form of harassment related to a person's sex. Sexual harassment is defined by state statute to include any unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other conduct or communication of a sexual nature when:

1. Submission to such conduct or communication is made a term or condition of employment;
2. Submission to, or rejection of, the conduct or communication is the basis for decisions affecting employment;
3. The conduct or communication has the purpose or effect of interfering with an individual's work performance by creating an intimidating, hostile, or offensive working or learning environment.
4. It is Board policy that:
5. No employee shall use the authority of his/her position to subject any other employee or student to sexual harassment as defined above.
6. Administrative procedures will be developed and disseminated that will outline the process for reporting and reviewing and acting on all complaints related to sexual harassment.

820 – Student Rights, Responsibilities and Conduct

Approved by Board of Education: 11/19/2014

The president shall ensure the college has in place administrative rules, practices and procedures regarding student rights, responsibilities and expectations of behaviors. These standards are developed as fair and reasonable guidelines to support the success of the teaching/learning experience as well as to ensure the safe and efficient operation of the College. By choosing to join the College community students are agreeing to abide by these rules, practices and procedures regarding their conduct.

Student policies, rights and responsibilities shall include those policies and procedures required by state or federal law. Information about student rights, responsibilities and conduct will be easily accessible to students and include disciplinary consequences as well as a student grievance process. The president shall assure a clear and accessible process for reporting and resolving concerns related to conduct in a timely manner.