

Oregon Department of Education Community Colleges and Workforce Development Methods of Administration Civil Rights Review

The Oregon Department of Education (ODE) and Higher Education Coordinating Commission (HECC) actively work to ensure equal access to a high-quality education for all students through vigorous enforcement of civil rights.

A primary responsibility for HECC and ODE is the review of public educational institutions receiving federal funds and offering career & technical education programs. The comprehensive review works to prevent discrimination and ensure equal access to programs, courses and the information therein, for each Oregon student. The HECC and ODE also provide technical assistance to help institutions achieve voluntary compliance with the civil rights laws that the Office for Civil Rights enforces.

Federal Compliance Requirements

U.S. Department of Education regulations implementing:

- Title VI of the Civil Rights Act of 1964 (Title VI), 34 CFR Part 100
- Title IX of the Education Amendments of 1972 (Title IX), 34 CFR Part 106
- Section 504 of the Rehabilitation Act of 1973 (Section 504), 34 CFR Part 104
- Vocational Education Programs Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, and National Origin, Sex and Handicap (Guidelines), 34 CFR Part 100 Appendix B

U.S. Department of Justice regulations implementing:

- Title II of the Americans with Disabilities Act of 1990 (Title II), 28 CFR Part 35 and subsequent Amendments

For information regarding Career & Technical Education civil rights reviews, contact:

Karin Moscon,
Civil Rights Education Specialist
Government and Legal Affairs
Oregon Department of Education
(503) 569-2532
Karin.Moscon@ode.oregon.gov

Luis Juarez
Education Specialist II
Community Colleges and Workforce Development
Higher Education Coordination Commission
(971)-375-5231
Luis.Juarez@hecc.oregon.gov

Civil Rights Review Documentation

Administrative		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
1. Civil Rights Assurance		
<p>The community college has a statement of assurance (signed by the college CEO and/or Board Chair) providing assurance of nondiscrimination for all state and federal protected classes.</p> <p><u>Title VI of the Civil Rights Acts of 1964 [34 C.F.R., 100.4(a) thru (d)],</u> <u>Title IX of the Education Amendments of 1972 [34 C.F.R., 106.4] and</u> <u>Section 504 of the Rehabilitation Act of 1973 [34 C.F.R. 104.5]</u> <u>ORS 659.855</u></p>	<p>A signed copy of assurance for Title VI of the Civil Rights Acts of 1964 [34 C.F.R., 100.4(a) through (d)], Title IX of the Education Amendments of 1972 [34 C.F.R., 106.4] and Section 504 of the Rehabilitation Act of 1973 [34 C.F.R. 104.5] and Oregon discrimination Laws is on file at the institution.</p>	<ul style="list-style-type: none"> ▪ A copy of the signed Title VI, Title IX, Section 504 or a combined assurance document. ▪ A copy of College Board minutes authorizing the assurance. ▪ A copy of the application for federal Carl D. Perkins Career & Technical Education funds. Signatures on application signify compliance.
2. Annual Public Notification		
<p>Prior to the beginning of each school year, the college must <u>advise students, parents, employees and the public</u> that all career & technical education opportunities will be offered regardless of race, color, national origin, age, sex or disability, as well as Oregon protected class additions of sexual orientation, gender identity, religion, and marital status</p> <p>The notice must <u>include a brief summary of program offerings and admission criteria and the name, office address, and phone number of person(s) designated to coordinate compliance under Title IX, Title II, & Section 504.</u></p> <p>If a recipient's service area contains a community of persons with limited English language skills, public notification materials must be disseminated to that community in its language and must take steps to assure that the lack of English language skills will not be a barrier to admission and participation in Career & Technical Education programs.</p> <p><u>Guidelines IV-O</u> <u>Title II: 28 CFR 35.107</u> <u>Title IX of the Education Amendments of 1972 [34 C.F.R., 106.4]</u> <u>Section 504 of the Rehabilitation Act of 1973 [34 C.F.R. 104.5]</u></p>	<p>The college issues annual public notice of nondiscrimination with a brief summary of program offerings and admission criteria, and a statement that the lack of English language skills will not be a barrier to admission and participation in CTE programs.</p> <p>The notice is also disseminated in the language of any community that speaks languages other than English in the service area.</p> <p>Annual notice lists coordinators of Section 504, Title II of the ADA and Title IX with their name/title, address, email, and phone number.</p>	<ul style="list-style-type: none"> ▪ The notice is posted in a prominent location on the website. ▪ A notice in the local newspaper, college newspaper or other publication. ▪ A copy of the notice describing program offerings and admission criteria. ▪ A description of how the notice reaches: students, employees & applicants. ▪ A description of the method used to make this notice available to the visually impaired. ▪ The notice is available in languages of the community

Civil Rights Review Documentation

Administrative		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
3. Continuous Nondiscrimination Notice		
<p>The college must take continuing steps to notify participants, beneficiaries, applicants, parents, employees (including those with impaired vision or hearing), and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of race, color, national origin, sex, or disability as well as Oregon protected class additions of sexual orientation, gender identity, religion, and marital status</p> <p><u>Title VI: 34 CFR 100.6(d)</u> <u>Title IX: 34 CFR 106.8(b)</u> <u>Section 504: 34 CFR 104.8</u> <u>ORS 659.850</u> <u>OAR 715-011-0050</u></p>	<p>A variety of college publications notify applicants, students, employees and parents that it does not discriminate on the basis of race, color, national origin, sex, or disability as well as Oregon protected class additions of sexual orientation, gender identity, religion, and marital status.</p>	<ul style="list-style-type: none"> ▪ Prominent location on the website ▪ Brochures on programs, activities ▪ Student application ▪ Job application ▪ Catalog ▪ Student handbook ▪ Job announcements ▪ Posters advertising various programs ▪ Recruitment materials ▪ School newspaper
Persons Responsible for Coordinating Title IX, Title II and Section 504		
4. Title IX Coordinator		
<p>Each college shall designate and train at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX.</p> <p>The recipient must notify students and employees of the name, office address, and phone number of the designated employee(s).</p> <p>The person coordinating Title IX must be referred to as the Title IX Coordinator</p> <p><u>Title IX: 34 CFR 106.8(a)</u> <u>34 C.F.R. § 104.7(a).</u> <u>34 C.F.R. § 106.45(b)(1)(iii)</u></p>	<p>The college has assigned a person(s) to coordinate Title IX activities. They must be trained and have comprehensive knowledge in all areas of which they have responsibility. They can execute their duties/ responsibilities consistent with requirements of Title IX.</p> <p>The college lists Title IX Coordinator with their name/title, address, email and phone number in the notice of nondiscrimination. The coordinator's role is independent and avoids any conflict of interest</p>	<p>Copies of information identifying the Title IX Coordinator(s) duties, and their training:</p> <ul style="list-style-type: none"> ▪ Catalogs ▪ Handbooks ▪ Job descriptions ▪ Website ▪ Investigation reports sample ▪ Sample of record keeping
5. Title IX Decision Maker(s), Investigator(s), and Hearing Officer(s)		
<p>In addition to the Title IX Coordinator, federal statute requires that a college also designate and train an independent decision maker, a hearings officer, and investigator to respond to complaints of sexual harassment.</p> <p><u>Title IX, 34 CFR § 106.45</u></p>	<p>The Title IX Decision Maker must be trained, aware of, and execute their duties. Title IX Investigator(s) must be trained, aware of, and execute their duties. Title IX Hearing Officers must be trained, aware of, and execute their duties.</p>	<ul style="list-style-type: none"> ▪ Copy of training ▪ Copies of information identifying the Title IX Decision Maker and the Title IX Investigator, their duties, and their training. ▪ Investigation files ▪ Documents explaining the process

Civil Rights Review Documentation

Administrative		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
6. Title II of the ADA Coordinator		
Each college shall designate and train at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA. The recipient must notify students and employees of the name, office address, and phone number of the designated employee(s). <u>Title II: 28 CFR 35.107</u>	<p>The college has assigned a person(s) to coordinate Title II of the ADA activities. They must be trained, aware of and able to execute their duties and responsibilities.</p> <p>The college lists the Title II Coordinator with their name/title, address, email and phone number in the notice of nondiscrimination.</p>	<ul style="list-style-type: none"> ▪ Copies of information identifying the Title II of the ADA Coordinators, their duties, and their training. ▪ Catalogs ▪ Handbooks ▪ Job descriptions ▪ Website ▪ Information about most recent training for Title II Coordinators.
7. Section 504 Coordinator		
Each college shall designate and train at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504. The recipient must notify students and employees of the name, office address, and phone number of the designated employee(s). <u>Section 504: 34 CFR 104.7</u>	<p>The college has assigned a person(s) to coordinate Section 504 duties and activities. They must be trained, aware of and able to execute their duties and responsibilities.</p> <p>The college lists the Section 504 Coordinator with their name/title, address, email and phone number in the notice of nondiscrimination.</p>	<ul style="list-style-type: none"> ▪ Copies of information identifying the 504 Coordinators, their duties, and their training. ▪ Catalogs ▪ Handbooks ▪ Job descriptions ▪ Website ▪ Information about most recent training for Section 504 Coordinators.
8. Notice of Contact for Accommodations		
The college has and uses an approved statement notifying the public who they should contact for accommodation, by title, phone and address. <u>Title II/ADA Federal Code, Subpart E, Communications, 35.160 General (b) (1) (a)</u>	<p>The college provides a public notice to interested parties regarding the existence and location of services, activities and location of facilities that are accessible to and usable by individuals with disabilities</p>	<ul style="list-style-type: none"> ▪ Public notification statement of who to contact for accommodations, by name/title, address/phone number and advance notice deadline. ▪ Copy of an event notice with the accommodations statement.

Civil Rights Review Documentation

Administrative		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
9. Grievance Procedure		
<p>The college shall adopt and publish a grievance procedure providing for prompt and equitable resolution of student and employee complaints alleging any discrimination based on state and federal protected classes.</p> <p><u>Section 504: 34 CFR 104.7(b)</u> <u>Title IX: 34 CFR 106.45(b), 8(b)</u> <u>Title II: 28 CFR 35.107(b)</u> <u>Title VI:</u> <u>OAR 715-011-0050</u> <u>OAR 715-011-0065</u> <u>ORS 659.850</u></p>	<p>The college provides and notifies students, employees, and third parties that there is a grievance procedure for persons who feel they have been discriminated against based on state and federal protected classes.</p> <p>The procedure is readily available to students and employees, and it is prompt and equitable.</p> <p>The procedures meet state and federal requirements, including Title IX</p> <p>If there are multiple procedures, the college makes it clear when each should be used.</p>	<ul style="list-style-type: none"> ▪ A copy of the grievance procedure used for discrimination and harassment and formal complaints of sexual harassment ▪ Board minutes adopting the procedures ▪ Student handbooks ▪ Employee handbooks ▪ Catalogs ▪ Data on complaints ▪ Explanation of how grievance procedures are available to students, staff, and third parties. ▪ College Website

Admission		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
1. Student Eligibility		
<p>The college may not develop, impose, maintain, approve, or implement student admission eligibility criteria that discriminate on the basis of state and federal protected classes.</p> <p><u>Guidelines IV-A</u> <u>OAR 715-011-0050</u> <u>OAR 715-011-0025</u></p>	<p>Student eligibility criteria for admission to the college, courses and programs do not discriminate on the basis of state and federal protected classes.</p>	<ul style="list-style-type: none"> ▪ College enrollment forms ▪ Admission Policies ▪ Descriptions of the admissions and acceptance process
2. Admission Issues		
<p>The college may not judge candidates for admission to career and technical education programs on the basis of criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, or disability. If such disproportionate exclusion occurs, the criteria or standards must be validated as essential to participation.</p>	<p>Student eligibility criteria for admission to career & technical education facilities or programs do not discriminate on the basis of state and federal protected classes.</p>	<ul style="list-style-type: none"> ▪ Eligibility and admissions policy and criteria for career & technical programs ▪ Copies of any applications for admission to programs ▪ Procedures and criteria for selective admissions for career and technical education programs (where there

Civil Rights Review Documentation

Admission		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
<u>Guidelines IV-K</u> <u>ORS 659.850</u> <u>OAR 715-011-0015</u> <u>OAR 715-011-0025</u> <u>OAR 715-011-0050</u>	<p>Demographics of specific CTE programs are similar to demographics of entire career-technical enrollment or recipient provides a legitimate nondiscriminatory rationale.</p> <p>Any admissions criteria that disproportionately exclude have been validated as essential to participation.</p> <p>A post-secondary education or career school program shall not discriminate when providing access to classes, courses of study or other educational programs or activities, or requiring or refusing participation therein by any of its students:</p>	<p>are more applicants than can be accommodated).</p> <ul style="list-style-type: none"> ▪ Demographics of rejected applicants by selections criteria ▪ Demographics of selected applicants by selection criteria ▪ College catalog ▪ Course syllabi ▪ OCCURS data. ▪ Any required testing or assessment for access to courses/programs
3. Preadmission Inquiries		
The college must avoid preadmission inquiries/requirements about race, citizenship, marital or disability status. Title IX: 34 CFR 106.21(c) Section 504: 34 CFR 104.42 (b)(4) ORS 345.240 ORS 659.850 OAR 715-011-0025 OAR 715-011-0050 ORS 180.805, 180.810, 181A.820 to 181A.829 <u>Community Toolkit - Oregon Department of Justice</u>	Application forms and materials do not require information about race, citizenship, marital or disability status.	<ul style="list-style-type: none"> ▪ Admissions application form and materials
4. Opportunities for Persons with a Disability		
The college must not deny access to CTE and academic programs or courses to students with a disability on the basis that employment opportunities in any occupation or profession may be more limited for disabled persons than for non-disabled persons. Section 504: 34 CFR 104.10 Section 504: 34 CFR 104.43(c) <u>Guidelines IV-N</u> OAR 715-011-0015 OAR 715-011-0025	The college does not discourage students with disabilities from participating in programs due to potential workplace or testing discrimination.	<ul style="list-style-type: none"> ▪ Course requirements for any courses that do not have open enrollment. ▪ Enrollment data ▪ Number of students with disabilities by program ▪ Placement/follow-up data

Civil Rights Review Documentation

Admission		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
5. Opportunities for Persons with Limited English Proficiency		
The college may not restrict admission to career & technical education programs because the applicant, is a member of a community of persons with limited English language skills, cannot participate in and benefit from career and technical education to the same extent as students whose primary language is English. <u>Guidelines IV-L</u> ORS 659.850 OAR 715-011-0050 OAR 715-011-0025 OAR 715-011-0015	If the college has a procedure in place to identify and assess applicants with Limited English Proficiency. (LEP) for enrollment in the college, it does not discriminate. --LEP enrollment in specific CTE programs is proportional to LEP enrollment in career & technical education overall.	<ul style="list-style-type: none"> ▪ Procedure for LEP identification ▪ Summary of steps taken to increase LEP participation in programs where they traditionally have been underrepresented. ▪ Specific program enrollment demographics by LEP status
6. Providing Accommodations in Admissions Testing		
Postsecondary admission tests are selected and administered in such a way that they accurately reflect the achievement of an applicant by providing accommodation upon request. No test or other criterion for admission that unreasonably differentiates among individuals on a prohibited basis shall be used, unless the use of the test or criterion is shown to be a valid means of predicting success in the educational program, and other suitable tests or criteria not having such an adverse effect are shown to be unavailable <u>Section 504: 34 CFR 104.42(b)(3)</u> <u>Guidelines IV-N</u> OAR 715-011-0050 OAR 715-011-0025	Admission tests and their manner of administration are validated for use with person(s) with disabilities. Accommodation is provided where appropriate and students are notified about how to receive the accommodation on admission testing.	<ul style="list-style-type: none"> ▪ Lists of admissions tests used. ▪ Lists of accommodations provided for testing. ▪ Description of test administration methods for person(s) with disability

Recruitment		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Non-exclusive Recruitment		
Colleges must conduct their recruitment activities so as not to exclude or limit opportunities on the basis of any state or federal protected class. In recruiting students, post-secondary education programs shall not unreasonably differentiate among individuals on a prohibited basis. <u>Title IX: 34 CFR 106.23 (a)(b)</u> <u>Guidelines V-C</u>	All potential students have access to information. Efforts are made to reach underrepresented community groups.	<ul style="list-style-type: none"> ▪ Recruitment plans ▪ List of recruitment activities and sites ▪ Description of recruitment activities ▪ Schedule of recruitment activities ▪ Selection & admissions criteria for career & technical education programs/courses

Civil Rights Review Documentation

Recruitment		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
OAR 715-011-0040		
2. Recruitment Materials		
Recruitment materials' description of career and occupational opportunities should not be limited on the basis of race, color, national origin, sex, or disability. <u>Guidelines V-C</u>	Descriptions of career opportunities are bias-free and free from stereotyping.	<ul style="list-style-type: none"> ▪ Recruitment brochures and marketing materials-English & non-English versions ▪ Course syllabi or catalog ▪ Policies/procedures for CTE programs/courses that address needs of Limited English Proficiency
3. Recruiting Teams		
To the extent possible, recruiting teams should represent different races, national origins, sexes, and disabilities. <u>Guidelines V-C</u>	Where possible, persons of differing races, genders, and disabilities are used for recruiting purposes. <i>(But a failure to do so should not be construed as noncompliance.)</i>	<ul style="list-style-type: none"> ▪ Staff demographics by program ▪ Recruitment team demographics by program
4. A Community with Persons of limited English Proficiency		
If a college's service area contains a community with persons of limited English proficiency, information must be available to that community in its language. <u>Guidelines V-E</u>	Process is in place to identify and communicate with members of the community speaking languages other than English. The college translates essential documents and recruitment materials into the languages of the community.	<ul style="list-style-type: none"> ▪ Process for determining languages spoken by communities in the college service area. ▪ Samples of materials in other languages
5. Promotional efforts and Materials		
Colleges may not undertake promotional efforts in a manner that creates or perpetuates stereotypes or limitations based on race, color, national origin, sex, or disability. Materials that are part of promotional efforts may not create or perpetuate stereotypes through text or illustration. <u>Guidelines V-E</u> <u>OAR 715-011-0040</u>	Materials and/or media presentations show persons of varying races, male and female, persons with disabilities, and different national origins.	<ul style="list-style-type: none"> ▪ Promotional materials, including: <ul style="list-style-type: none"> -- brochures, -- flyers, -- newspaper advertising, -- catalogs

Civil Rights Review Documentation

Site Location		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Site Selection		
<p>The college may not select, approve, or modify a site that has the purpose or effect of excluding, segregating, or otherwise discriminating on the basis of race, color, or national origin or disability. Colleges must locate career & technical education facilities at sites that are readily accessible to all members of the communities and that do not tend to identify the facility or program as intended for underrepresented populations.</p> <p><u>Guidelines IV-B</u> <u>Section 504: 34 CFR 104.4(a)</u></p>	<p>The college may not select or approve a site that has the purpose or effect of excluding, segregating, or otherwise discriminating on the basis of race, color, or national origin or disability. Colleges must locate career & technical education facilities at sites that are readily accessible to all communities and that do not tend to identify the facility or program as intended for underrepresented populations.</p>	<ul style="list-style-type: none"> ▪ Maps showing location of career & technical education facilities. ▪ Enrollment demographics of each facility ▪ Demographics of communities surrounding the college
2. Site Modifications Residency		
<p>A college may not establish, approve, or maintain geographic boundaries that unlawfully exclude students on the basis of any state or federal protected class.</p> <p><u>Guidelines IV-C</u> <u>OAR 715-011-0050</u> <u>Section 504: 34 CFR 104.4(a)</u></p>	<p>Attendance zones do not have the effect of excluding students on the basis of protected class</p>	<ul style="list-style-type: none"> ▪ Maps of attendance zones ▪ Demographics of contiguous service areas to the college ▪ Curriculum offerings at contiguous facilities ▪ Job placement rates at contiguous facilities

Civil Rights Review Documentation

Services for Students with Disabilities		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
1. No Exclusion from CTE due to Disability		
<p>Students with disabilities must not be excluded from career & technical education or academic programs, courses, services, or activities due to equipment barriers or because necessary related aids and services or auxiliary aids are not available.</p> <p><u>Guidelines IV-N</u> <u>Section 504: 34 CFR 104.4</u> <u>OAR 715-011-0050</u></p>	<p>The college provides appropriate aids and services for students with disabilities and does not have policies that limit participation of students with disabilities.</p> <p>The college has addressed any architectural or equipment barriers that could exclude students with disabilities.</p> <p>The college provides related aids and services or auxiliary aids.</p>	<ul style="list-style-type: none"> ▪ Examples of equipment adapted. ▪ Description of policy for providing aids and services ▪ Description of aids and services available/provided/denied. ▪ List of materials/resources available for students with sensory impairments ▪ Enrollment data by program ▪ Number of students with disabilities denied admission. ▪ Student handbook, college catalog ▪ Policies governing use of guide dogs, tape recorders, note takers.
2. No Exclusion from Course, Program or Services		
<p>No qualified person with a disability is excluded from, denied benefits of, or subjected to discrimination in any course, program, service, or activity solely on the basis of disability.</p> <p>The college notifies students and others about the availability and how to receive accommodation when needed.</p> <p><u>Section 504: 34 CFR 104.4(a)</u> <u>Title II: 28 CFR 35.130(a)</u> <u>Guidelines IV-N</u> <u>OAR 715-011-0050</u> <u>OAR 715-011-0045</u></p>	<p>The college implements policies and procedures ensuring access for students with disabilities to programs, services, and activities.</p> <p>The college notifies students and others about the availability and how to receive accommodation when needed.</p>	<ul style="list-style-type: none"> ▪ Board policy ▪ Student handbooks ▪ Membership in clubs & activities ▪ Procedures for selection into clubs, activities, programs ▪ Criteria for admission into courses, programs, services and activities ▪ Public notification that all services, activities, and facilities are accessible for individuals with disabilities.

Civil Rights Review Documentation

Services for Students with Disabilities		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
3. Academic Accommodations		
If academic requirements that are essential to the career and technical education program have the effect of discriminating against applicants or students on the basis of a disability, the institution should provide academic adjustments and auxiliary aids and services, for qualified persons with a disability to complete a degree program and/or licensure requirements <u>Section 504: 34 CFR 104.44 (a)</u> <u>Guidelines IV-N</u> <u>OAR 715-011-0050</u>	<p>List of academic adjustments available to students with disabilities who need such accommodation in order to succeed in a career and technical education program. <u>Please note:</u> This list should also identify the providers of such services.</p> <p>The college adjusts academic requirements where appropriate to meet the needs of students with disabilities.</p>	<ul style="list-style-type: none"> ▪ Records or equipment schedules for the provision of auxiliary aids and services to individuals and students with disabilities ▪ List of adaptive technologies and software used for student access ▪ Number of students with disabilities in various courses and programs ▪ List of CTE programs in which students with disabilities have been denied access. ▪ CTE programs in which essential requirements or licensing requirements have prevented access.
4. Course tests & Evaluations		
Course examinations or other procedures for evaluating students' academic achievements are administered in such a way that students with a disability's aptitudes or achievement levels, or other relevant factors are measured and not the disability. <u>Section 504: 34 CFR 104.44(c)</u> <u>Title II: 28 CFR 35.130(b)(8)</u> <u>Guidelines IV-N</u> <u>OAR 715-011-0050</u>	<p>The college accommodates needs of students with disabilities during testing within courses.</p>	<ul style="list-style-type: none"> ▪ Lists of modifications to tests or test administration ▪ Location of testing; facility accessible, auditory/lighting adequate ▪ Procedures for determining need.
5. Housing in Community Colleges		
Students receive equitable opportunities to benefit from housing programs regardless of state or federal protected class. <u>Title VI: 34 CFR 100.3(b)</u> <u>Title IX: 34 CFR 106.32</u> <u>Section 504: 34 CFR 104.45</u> <u>Guidelines VI-C</u> <u>OAR 715-011-0030</u>	<p>The on-campus housing reflects the demographics of the general student population.</p> <p>If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.</p>	<ul style="list-style-type: none"> ▪ Data of those living on campus
6. Comparable Housing		
The institution offers students with disabilities on-campus or off-campus housing that is comparable, convenient, and accessible to students with disabilities, at the same cost and under the same conditions as offered to non-disabled students. <u>Section 504: 34 CFR 104.45</u> <u>Guidelines VI-C</u>	<p>The housing program meets 504 and Title II accessibility requirements.</p> <p>Students with disabilities have a full range of features and prices to choose from.</p>	<ul style="list-style-type: none"> ▪ Disaggregated demographic study of who is living in the residence halls. ▪ Audit of features and prices
7. Off Campus Housing Does Not Discriminate		
If an off-campus housing service is provided for students by arrangement with the	<p>The institution has nondiscriminatory agreements</p>	<ul style="list-style-type: none"> ▪ Data showing who is using the off-campus housing service.

Civil Rights Review Documentation

Services for Students with Disabilities		
Equity Requirement/ Legal Citation	Indicators of Compliance	Suggested Documentation
<p>institution, there is evidence that it is serving all students regardless of their sex, race, color, national origin or disability.</p> <p>The college does not cooperate with any landlord who discriminates on the basis of any state or federal protected classes.</p> <p><u>Title VI: 34 CFR</u> <u>Title IX: 34 CFR</u> <u>Section 504: 34 CFR</u> <u>Guidelines VI-C</u></p>	<p>in place with off-campus housing providers.</p> <p>The institution acts to resolve allegations of discrimination against off-campus housing providers operating under contract or similar arrangements.</p>	<ul style="list-style-type: none"> ▪ Copies of contracts and agreements

Program Accessibility		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Section 504/ADA Accessibility Issues		
<p>The college may not exclude students with disabilities from enjoying the benefits of its program or service because its facilities are inaccessible to or unusable by people with disabilities.</p> <p><u>Existing facilities/Section 504 (34 CFR, 104.22)</u> <u>New construction/Section 504 (34 CFR 104.23)</u></p> <p><u>New construction/Section 504 (34 CFR 104.23)</u> <u>New construction/ ADA (28 CFR 35.151)</u></p>	<p>Applicable accessibility standards are determined by the date the facility was constructed or last renovated by the institution.</p>	<ul style="list-style-type: none"> ▪ List of each facility reviewed with the date of construction or last renovation and the career & technical education programs offered therein. <ul style="list-style-type: none"> --Building --Date --Programs
2. Existing (<i>Readily Accessible</i>) facility under Section 504 – Built or altered beginning June 3, 1977, or earlier		

Civil Rights Review Documentation

Program Accessibility		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
<p>The college shall operate its program or activity so that when each part is viewed in its entirety, it is readily accessible to disabled persons. A recipient is not required to make each of its existing facilities or every part of a facility accessible to and useable by people with disabilities.</p> <p><i>Section 504: 34 CFR 104.22</i></p>	<p>--Readily Accessible</p> <ul style="list-style-type: none"> --Redesign of equipment --Reassignment of classes or other services to accessible buildings --Assignment of aides to beneficiaries (but no carrying) --Home visits --Alteration of existing facilities and construction of new facilities in conformance with the requirements for new construction or any other methods that result in making its program or activity accessible to people with disabilities 	<ul style="list-style-type: none"> ▪ Observations and measurements ▪ Blueprints and plans ▪ Renovation schedules ▪ Maintenance records ▪ Work orders or contracts indicating construction start dates
3. New construction under Section 504 – Built or altered between June 4, 1977, and January 17, 1991, inclusive (Using ANSI)		
<p>Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Disabled," published by the American National Standards Institute, Inc. (ANSI A117.1-1961 (R1971) Later versions of ANSI A117.1 do not apply.</p> <p><i>Section 504: 34 CFR 104.23 (prior to January 18, 1991, amendment)</i></p>	<p>ANSI</p> <ul style="list-style-type: none"> 4.1 Grading 4.2 Walks 4.3 Parking lots 5.1 Ramps and gradients 5.2 Entrances 5.3 Doors and doorways 5.4 Stairs 5.5 Floors 5.6 Toilet rooms 5.7 Water fountains 5.8 Public phones 5.9 Elevators 5.10 Controls 5.11 Identification 5.12 Warning signals 5.13 Hazards 	<ul style="list-style-type: none"> ▪ Observations and measurements ▪ Blueprints and plans ▪ Renovation schedules ▪ Maintenance records ▪ Work orders or contracts indicating construction start dates.
4. New construction under Section 504 – Built or altered between January 18, 1991, and January 26, 1992, inclusive:		
	<p>Uniform Federal Accessibility Standards (UFAS) as applicable.</p>	<ul style="list-style-type: none"> ▪ Observations and measurements ▪ Blueprints and plans ▪ Renovation schedules ▪ Maintenance records ▪ Work orders or contracts indicating construction start dates.

Civil Rights Review Documentation

Program Accessibility		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
5. New construction under ADA Title II and Section 504 – Built after January 26, 1992, exercising the option to follow UFAS		
Each facility or part of a facility constructed by, on behalf of, or for the use of a recipient or public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subparts 101-19.6). Departures from particular technical and scoping requirements permitted where equivalent or greater access to and usability of the building is provided. <u>Section 504: 34 CFR 104.23</u> <u>Title II: 28 CFR 35.151</u>	<i>Uniform Federal Accessibility Standards (UFAS)</i> as applicable.	<ul style="list-style-type: none"> ▪ Observations and measurements ▪ Blueprints and plans ▪ Renovation schedules ▪ Maintenance records ▪ Work orders or contracts indicating construction start dates.
6. New construction under ADA Title II – Built after January 26, 1992, and before September 15, 2010; exercising the option to follow 1991 ADA Standards		
Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity is designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by persons with disabilities. Conformance with the 1991 ADA Standards for Accessible Design (1991 ADA Standards) (Appendix A to 28 CFR Part 36).. Subrecipients may also exercise the option to follow UFAS.) <u>Title II: 28 CFR 35.151 (a), (b) & (c) (1)</u>	<i>1991 ADA Standards for Accessible Design (1991 ADA Standards)</i> as applicable.	<ul style="list-style-type: none"> ▪ Observations and measurements ▪ Blueprints and plans ▪ Renovation schedules ▪ Maintenance records ▪ Work orders or contracts indicating construction start dates
7. New construction under ADA Title II – Built on or after September 15, 2010, and before March 15, 2012; exercising the option to follow the 2010 ADA Standards for Accessible Design.		
Each facility or part of a facility constructed by, on behalf of, or for the use of a public entity is designed and constructed in such a manner that the facility is readily accessible to and usable by persons with disabilities. Conformance with the 2010 ADA Standards for Accessible Design (2010 ADA Standards) Available at: http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf .	2010 ADA Standards for Accessible Design (available at http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.pdf) as applicable	<ul style="list-style-type: none"> ▪ Observations and measurements ▪ Blueprints and plans ▪ Renovation schedules ▪ Maintenance records ▪ Work orders or contracts indicating construction start dates

Civil Rights Review Documentation

Civil Rights Review Documentation

Comparable Facilities		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Changing Rooms/Showers Comparable		
Changing rooms, showers, locker rooms, and other facilities for students of one sex are comparable to those provided to students of the other sex. Title IX Guidelines VI-D	<p>Locker rooms and facilities have the same space and amenities for both males and females.</p> <p>If there is disparity, the institution provides a legitimate, nondiscriminatory rationale.</p> <p>Changing rooms, shower, bathrooms, and other facilities near the professional technical areas are comparable for both men and women.</p>	<ul style="list-style-type: none"> ▪ Visual examination of the facilities ▪ Maps or blueprints of facilities

Civil Rights Review Documentation

Cooperative Education and Job Placement		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Opportunities Available to All		
<p>Opportunities in work study, cooperative education, and job placement programs are available to all students regardless of any state or federal protected classes.</p> <p><u>Title VI: 34 CFR 100.3(b)</u> <u>Title IX: 34 CFR 106.31(d)</u> <u>Section 504: 34 CFR 104.4(b)</u> <u>Section 504: 34 CFR 104.46 (b)</u> <u>Guidelines VII-A</u> <u>OAR 715-011-0050</u></p>	<p>Students in the work study, cooperative education and job placement programs are representative of the demographics of the school or program.</p> <p>If there is disparity, the institution provides a legitimate, nondiscriminatory rationale.</p>	<ul style="list-style-type: none"> ▪ Review of enrollment data in the work-study, cooperative education, and job placement programs ▪ Placement policies and criteria for placement ▪ Employment notices
2. Assurance of Nondiscrimination		
<p>A college that assists employers and prospective employers in making employment opportunities available to any of its students must ensure that the employer does not discriminate on the basis of race, color, national origin, sex, or disability in recruitment, hiring, placement, assignment to work tasks, hours of employment, levels of responsibility, and pay.</p> <p>The college shall not assist prospective employers known by the post-secondary education program to discriminate in their recruitment, hiring, or employment practices.</p> <p><u>Title VI: 34 CFR 100.3(b)</u> <u>Title IX: 34 CFR 106.38</u> <u>Section 504: 34 CFR 104.46(b)</u> <u>Guidelines VII-A</u> <u>OAR 715-011-0045</u></p>	<p>If written workplace agreements exist, they must contain an assurance of nondiscrimination that is signed by both the employer and the agency.</p> <p>The college does not honor any employer's requests for students who are free of disabilities or for students of a particular race, color, national origin, or sex.</p>	<ul style="list-style-type: none"> ▪ Review of workplace assignments, hours of work, and job assignments ▪ Copies of written training agreements with employers that include statements of nondiscrimination and employer assurances. ▪ Cooperative work experience placement policies and criteria for placement

Civil Rights Review Documentation

Apprenticeship Training		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Agreement with Non-discriminating Labor Union or Apprenticeship Sponsor		
Schools may not enter into an agreement for the provision or support of apprentice training for students or union members with any labor union or other sponsor that discriminates against its members or applicants on the basis of race, color, national origin, sex, or disability. <u>Title VI: 34 CFR 100.3(c)</u> <u>Title IX: 34 CFR 106.31(d)</u> <u>Section 504: 34 CFR 104.11(a)(4)</u> <u>Guidelines VII-B</u> <u>OAR 715-011-0045</u>	Verification that staff understand this requirement. Verification that the staff has not honored any request.	<ul style="list-style-type: none"> ▪ Policy or written procedure ▪ Copy of information used to promote apprenticeship programs.
2. Written Agreement with the Labor Union or Apprenticeship Sponsor		
A written agreement between the college and the labor union or other sponsor includes an assurance of nondiscrimination on the basis of race, color, national origin, sex, or disability. <u>Guidelines VII-B</u> <u>OAR 715-011-0045</u>	If there are written agreements between apprenticeship programs and the agency, they must contain the college nondiscrimination statement that is signed by both parties.	<ul style="list-style-type: none"> ▪ Copy of labor unions or sponsors' statement of nondiscrimination.

Guidance and Counseling		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Counseling and Advising Materials and Activities Do Not Discriminate		
Colleges must ensure that their counseling and advising materials and activities (including student program selection and career/employment selection), promotional, and recruitment efforts do not discriminate on the basis of race, color, national origin, sex, or disability. <u>Title IX: 34 CFR 106.36</u> <u>Section 504: 34 CFR 104.47 (b)</u> <u>Guidelines V-A</u> <u>OAR 715-11-0050</u>	The written guidance plan, policy, and procedures ensure nondiscrimination. The written assessment plan ensures nondiscrimination.	<ul style="list-style-type: none"> ▪ A copy of the written college guidance and counseling policy, plan and procedure. ▪ A list of tests/requirements administered for selecting students for placement in career & technical education programs/courses. ▪ Written procedures for evaluation and placement of students with disabilities ▪ List of tests and interest inventories administered. ▪ Promotional and recruitment materials

Civil Rights Review Documentation

Guidance and Counseling		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
2. Counseling, Advising and Prospects for Success		
<p>Counselors must not direct students into programs based on their race, color, national origin, sex, or disability. Colleges must ensure that counselors do not direct or urge any student to enroll in a particular career or program, or measure or predict a student's prospects for success in any career or program, based upon any state or federal protected classes.</p> <p>In providing education programs, service or activities to students, a post-secondary education program shall not discriminate by providing assistance in making educational or career choices, or in the counseling and guidance services offered, nor among applicants for admission if such services are offered;</p> <p><u>Title IX: 34 CFR 106.36</u> <u>Section 504: 34 CFR 104.47(b)</u> <u>Guidelines V-B</u> <u>OAR 715-11-0050</u></p>	<p>Career & technical education program enrollments by sex, race, national origin, and disability are proportionate to enrollment of these groups in the general student population.</p> <p>Where enrollments are not proportionate, the institution can furnish a legitimate, nondiscriminatory rationale.</p>	<ul style="list-style-type: none"> ▪ OCCURS data. (Enrollment demographics by class/program) ▪ Admission criteria ▪ Enrollment forms. ▪ Description of counseling services for students with limited English language skills and disabilities. ▪ Copies of promotional materials used with limited English language students
3. Counseling of Students with Disabilities or Limited English Speaking Abilities		
<p>Colleges must ensure that counselors can effectively communicate with students with limited English proficiency and with students with disabilities requiring interpreters.</p> <p>Colleges may not counsel or advise students with disabilities toward more restrictive career objectives than non-disabled students with similar abilities and interests.</p> <p><u>Section 504: 34 CFR 104.47(b)</u> <u>Guidelines V-B</u> <u>Guidelines V-D</u></p>	<p>Students have equal access to all programs and classes based on abilities and interests.</p> <p>The content of materials available to other students and their parents is available to students and parents who speak languages other than English.</p> <p>Formats other than the printed word are available for students with disabilities.</p>	<ul style="list-style-type: none"> ▪ Written plan for the provision of services for LEP individuals ▪ Written plan for provision of services for individuals with hearing impairments ▪ Samples of materials in other languages/format ▪ Examples of pre-enrollment counseling ▪ Enrollment data
4. Disproportional Enrollment		
<p>If disproportionate enrollments occur, efforts must be made to ensure that counseling services and materials are not responsible.</p> <p>Colleges must take steps to ensure that any disproportionate enrollment does not result from unlawful discrimination in counseling activities.</p> <p><u>Title IX: 34 CFR 106.36</u> <u>Guidelines V-B</u> <u>OAR 715-11-0050</u></p>	<p>The college has a process in place to identify disproportionate enrollment. When disproportionate enrollment occurs, the college assesses counseling materials and activities and makes appropriate revisions or can articulate a legitimate, nondiscriminatory rationale.</p>	<ul style="list-style-type: none"> ▪ Description of any efforts made to correct disproportionate program enrollment by gender, minority or disabled status. ▪ Examples of pre-enrollment counseling ▪ Enrollment data ▪ Examples of revised counseling materials or activities in response to disproportionate enrollments

Civil Rights Review Documentation

Financial Assistance		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
5. Financial Assistance Available to All Students		
In providing financial assistance to applicants or students, programs shall not unreasonably differentiate on a prohibited basis. Post-secondary education programs shall comply with implementing regulations of Title IX, Educational Amendments of 1972, with respect to administration of sex-restricted scholarships and fellowships <u>Title VI: 34 CFR 100.3(b)</u> <u>Title IX: 34 CFR 106.37</u> <u>Section 504: 34 CFR 104.46(a)</u> <u>Guidelines VI-B</u> <u>OAR 715-011-0020(3)</u>	Institutional data on financial aid demonstrates that there is equitable distribution of financial aid regardless of sex, race, color, national origin, or disability. If an apparent disparity exists, the institution offers a legitimate, nondiscriminatory reason.	<ul style="list-style-type: none"> ▪ Financial aid data by sex, race, color, national origin, or disability ▪ Award criteria for financial aid
6. Assisting in Administration of Financial Assistance		
Post-secondary education programs may not assist any person, organization or group in the administration of financial aid on a prohibited basis. <u>OAR 715-011-0020</u>	Financial assistance (scholarships) through the college foundation or other college entity are not offered on a prohibited basis.	<ul style="list-style-type: none"> ▪ Award criteria for financial aid
7. Financial Aid Information Written Equitably		
Information about financial assistance is equitably written and does not lead students to believe it is awarded on a discriminatory basis. Persons with limited English language skills receive information about financial assistance in their own language. <u>Guidelines VI-B</u>	All written materials provide information equitably and contain the non-discrimination statement. Institutional awards provided because of the group being historically underrepresented or as a result of a bequest, trust, or other legal instrument is acknowledged as such in the written materials.	<ul style="list-style-type: none"> ▪ Copy of materials written for students and families concerning the financial assistance available ▪ List of scholarships or financial awards offered by outside organizations or individuals and their award criteria ▪ Documentation of all financial assistance given as a result of trust, bequest, or other legal instrument ▪ Copies of materials for students with sensory impairments. ▪ National origin minority persons with limited English language skills receive information about financial assistance in their own language.

Employment		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
1. Pre-employment & Employment Practices		
Colleges may not engage in any employment practice that discriminates against any employee or applicant for employment on the basis of sex or disability. Colleges may not engage in any employment practice that discriminates on the basis of race, color, or	The college's employment practices are conducted without regard to race, color, national origin, sex, or disability of applicants or employees.	<ul style="list-style-type: none"> ▪ Copies of employment practices documents including: <ul style="list-style-type: none"> --hiring policies & procedures --advancement policies and procedures --employee handbooks

Civil Rights Review Documentation

Employment		
Equity Requirement/ Legal Cites	Indicators of Compliance	Suggested Documentation
<p>national origin if such discrimination tends to result in segregation, exclusion, or other discrimination against students.</p> <p>Colleges may not make pre-employment inquiries concerning disability, marital, or parental status.</p> <p><u>Title IX: 34 CFR 106.60</u> <u>Section 504: 34 CFR 104.14</u> <u>Guidelines VIII-A</u> <u>OAR 715-011-0045</u></p>	<p>Application forms and materials are free from prohibited questions concerning disability or marital or parental status.</p>	<ul style="list-style-type: none"> --application materials and forms --screening committee policies and procedures --rating systems --job announcements --recruitment policies ▪ Copy of affirmative action or equal employment opportunity plan adopted by the board, if they exist, must be consistent with federal law.
2. Notice to Faculty of Nondiscrimination		
<p>The college must notify every source of faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability.</p> <p><u>Guidelines VIII-B</u></p>	<p>The college notifies its sources of faculty that it does not discriminate on the basis of race, color, national origin, sex, or disability.</p>	<ul style="list-style-type: none"> ▪ Copy of an employment application form ▪ Job/position descriptions. ▪ Copy of published job vacancy announcements and advertisements. ▪ Recruitment letters or contacts ▪ Personnel website and other related recruitment documents
3. Equal Employment Opportunities for Applicants with Disabilities		
<p>Colleges must provide equal employment opportunities for teaching and administrative positions to applicants with disabilities who can perform the essential functions of the positions and make reasonable accommodations for the physical or mental limitations of applicants with disabilities (otherwise qualified) unless it can be demonstrated that such accommodations would impose undue hardship.</p> <p><u>Section 504: 34 CFR 104.12</u> <u>Guidelines VIII-E</u></p>	<p>The college's employment policies do not unlawfully discriminate against people with disabilities.</p> <p>People with disabilities are employed in teaching and administrative positions and are not treated differently in promotion and tenure decisions.</p>	<ul style="list-style-type: none"> ▪ Number of staff with disabilities ▪ Copies/descriptions of policies, procedures, and criteria considered for hiring, promotion, retention, and tenure including professional and non-professional applications