



Code: AC
Adopted: 2/16/93
Revised/Readopted: 11/18/97, 4/15/08,
2/16/16, 3/7/18

Nondiscrimination

The ESD prohibits discrimination and harassment on any basis protected by law, including but not limited to, an individual's perceived or actual race, color, religion, sex, sexual orientation¹, national or ethnic origin, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status, marital status or age, or because of the perceived or actual race, color, religion, sex, sexual orientation, national or ethnic origin, mental or physical disability or perceived disability, pregnancy, familial status, economic status, veterans' status, marital status or age of any other persons with whom the individual associates.

The ESD 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 discipline; in location and use of facilities; in educational offerings and materials; and in accommodating the public at public meetings.

The Board encourages staff to improve human relations within the ESD, to respect all individuals and to establish channels through which citizens can communicate their concerns to the administration and the Board.

The superintendent shall appoint and make known the names of 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 ESD will publish complaint procedures providing for prompt and equitable resolution of complaints from students, employees and the public. These procedures are available on the homepage of the ESD's website.

The ESD prohibits retaliation and discrimination against an individual who 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; and further prohibits anyone from coercing, intimidating, threatening or interfering with an individual for exercising the rights guaranteed under state and federal law.

END OF POLICY

Legal Reference(s):

[ORS 174.100](#)
[ORS 192.630](#)
[ORS 326.051\(1\)\(e\)](#)
[ORS 659.805](#)
[ORS 659.815](#)
[ORS 659.850-860](#)
[ORS 659.865](#)
[ORS 659.870](#)

[ORS 659A.003](#)
[ORS 659A.006](#)
[ORS 659A.009](#)
[ORS 659A.029](#)
[ORS 659A.030](#)
[ORS 659A.040](#)
[ORS 659A.103-145](#)
[ORS 659A.230-233](#)

[ORS 659A.236](#)
[ORS 659A.309](#)
[ORS 659A.321](#)
[ORS 659A.409](#)
[OAR 581-021-0046](#)
[OAR 581-021-0049](#)
[OAR 581-022-2310](#)
[OAR 581-022-2370](#)
[OAR 839-003](#)

¹Sexual orientation means an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity, regardless of whether the individual's gender identity, appearance, expression or behavior differs from that traditionally associated with the individual's sex at birth.

Legal Reference Continued:

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (2017).

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2017).

Age Discrimination Act of 1975, 42 U.S.C. §§ 6101-6107 (2017).

Equal Pay Act of 1963, 29 U.S.C. § 206(d) (2017).

Rehabilitation Act of 1973, 29 U.S.C. §§ 503, 791, 793-794 (2017).

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1683 (2017); Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance, 34 C.F.R. Part 106 (2017).

Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101-12213; 29 C.F.R. Part 1630 (2017); 28 C.F.R. Part 35 (2017).

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 (2017)

Title II of the Genetic Information Nondiscrimination Act of 2008 (2017)